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Author and Title

**Massachusetts, Laws, Statutes, etc.
Acts and Resolves.**

Call Number	Volume	Copy
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Massachusetts. Laws, statutes, etc.
Acts and Resolves.

KFM
2425
A224

Vol
1904



ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR,

1904,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1904.

A CONSTITUTION

OR

FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

CONSTITUTION OF THE

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children,

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. I, Sect. 2, Art. II.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 368.
14 Gray, 164.
1 Allen, 150.
4 Allen, 474.

Private property not to be taken for public uses without, etc.
6 Cuah. 327.
14 Gray, 155.
16 Gray, 417, 481.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 355, 362.	116 Mass. 463.	358, 363, 410, 418.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 644, 660.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.

108 Mass. 5, 6.

118 Mass. 442, 451.

120 Mass. 113, 120.

122 Mass. 332.

124 Mass. 464.

127 Mass. 550, 554.

129 Mass. 559.

Prosecutions

regulated.

3 Pick. 211.

10 Pick. 9.

18 Pick. 424.

21 Pick. 542.

2 Met. 329.

12 Cusb. 246.

1 Gray, 1.

5 Gray, 160.

8 Gray, 329.

10 Gray, 11.

11 Gray, 438.

2 Allen, 361.

11 Allen, 238-

240, 264, 439,

473.

12 Allen, 170.

27 Mass. 570.

575.

100 Mass. 287,

295.

103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial

by jury in

criminal cases,

except, etc.

8 Gray, 329, 373.

103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be

proved in the

vicinity.

2 Pick. 560.

121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search

and seizure

regulated.

Const. of U. S.,

Amend't IV.

2 Met. 329.

5 Cusb. 369.

1 Gray, 1.

13 Gray, 454.

10 Allen, 403.

100 Mass. 136,

139.

126 Mass. 269,

273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial

by jury sacred,

except, etc.

Const. of U. S.,

Amend't VII.

2 Pick. 382.

7 Pick. 366.

5 Gray, 144.

8 Gray, 373.

11 Allen, 574,

577.

102 Mass. 45, 47.

114 Mass. 388, 390.

120 Mass. 320, 321.

122 Mass. 505, 516.

123 Mass. 590, 593.

125 Mass. 182, 188.

128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Right of people to instruct representatives and petition legislature.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Power to suspend the laws or their execution.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Freedom of debate, etc., and reason thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Frequent sessions, and objects thereof.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

Taxation founded on consent. 8 Allen, 247.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail
or fines, and
cruel punish-
ments, pro-
hibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 473.
4 Allen, 501.
7 Allen, 386.
105 Mass. 219,
221, 225.
Tenure of their
office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's
veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

8 Mass. 567.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 551. 116 Mass. 467, 470. may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

General court
may impose
taxes, etc.
12 Mass. 252.
5 Allen, 428.
6 Allen, 568.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
225, 238, 240,
268, 300, 312,
313, 500, 612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 388,
391.
116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 463,
465.
127 Mass. 413.
may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by
whom elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as
to councillors,
see amend-
ments, Art.
XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summonses to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summonses to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc.,

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

of its own members.
Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.
Changed to election by people. See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.
Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.
See amendments, Arts. VII. and XXXIV.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him' by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed. For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office; but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 18 Allen, 598.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of
council.
Lieutenant-
governor a
member of,
except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-
governor to be
acting governor,
in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of
councillors
changed to
eight.
See amend-
ments, Art.
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X. and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come coun-
cillors, their seats
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

lic accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 8 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

to have, hold, use, exercise, and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts,
grants, etc.,
confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively ; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1862, 27.
1869, 212.
1866, 173.
1880, 66.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College ; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College ; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII.
12 Allen, 500-503.
103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[" I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

Oath of office.

" I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God."

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“I do swear,” “and abjure,” “oath or,” “and abjuration,”* in the first oath, and in the second oath, the words] *“swear and,”* and [in each of them] the words *“So help me, God;”* subjoining instead thereof, *“This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Oaths and affirmations, how administered.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

Same subject. 1 Allen, 553.

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 502.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.” The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority. Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments. Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid. Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

General court
empowered to
charter cities.
122 Mass. 354.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state

or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

7 Gray, 299.
122 Mass. 596,
597.
124 Mass. 596.
For educational
qualification,
see amend-
ments, Art. XX.
For provision
as to those who
have served in
the army or
navy in time
of war, see
amendments,
Arts. XXVIII.
and XXXI.

Notaries public,
how appointed
and removed.

Vacancies in the
offices of secre-
tary and treas-
urer, how filled.
This clause
superseded by
amendments,
Art. XVII.

Commissary-
general may be
appointed, in
case, etc.

Militia officers,
how removed.

Who may vote
for captains and
subalterns.

Oath to be taken
by all officers.
See Const.,
Ch. VI., Art. I.

Proviso.
Quakers may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political
year,

and termina-
tion.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Article, when
to go into
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXI. and XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.]

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people. 122 Mass., 606, 698.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor : *provided, however, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature.* No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice

Legislature to divide state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools. For original provision as to

schools, see constitution, Part First, Art. III.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc. See amendments, Art. XXXVI.
8 Gray, 1.
18 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso. For other qualifications, see amendments, Art. III. See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc. 10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this pur-

pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 123 Mass. 595, 596.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See F. S. c. 31.

Voters to be
basis of appor-
tionment of
senators.

Senate to con-
sist of forty
members.

Senatorial
districts, etc.

See amend-
ments, Art.
XXIV.

Qualifications
of senators.

Quorum, see
amendments,
Art. XXXIII.

Residence of
two years re-
quired of natu-
ralized citizens,
to entitle to suf-
frage or make
eligible to office.
This article
annulled by
Art. XXVI.

Vacancies in the
senate.

returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: "and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds"; is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

CONSTITUTION OF MASSACHUSETTS.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1904.

 The General Court of the year nineteen hundred and four assembled on Wednesday, the sixth day of January. The oaths of office were taken and subscribed by His Excellency JOHN L. BATES and His Honor CURTIS GUILD, Jr., on Thursday, the seventh day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF THE MEMBERS OF THE GENERAL COURT, FOR THE COMPENSATION OF THE OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH. Chap. 1

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the compensation of senators, thirty thousand seven hundred and fifty dollars. Appropriations.
Senators, compensation.

For compensation for travel of senators, a sum not exceeding thirty-two hundred dollars. Travel.

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. Representatives, compensation.

For compensation for travel of representatives, a sum not exceeding twenty thousand dollars. Travel.

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. Chaplains.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. Senate and house clerks.

For the salaries of the assistant clerks of the senate and house of representatives, two thousand dollars each. Assistant clerks.

For such additional clerical assistance to the clerks of the senate and house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding three thousand dollars. Clerical assistance.

For the salary of the sergeant-at-arms, thirty-five hundred dollars. Sergeant-at-arms.

For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars. First clerk.

For the salaries of the doorkeepers of the senate and house of representatives, fifteen hundred dollars each. Doorkeepers.

Postmaster,
messengers,
etc.

For the compensation of assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding thirty-one thousand five hundred dollars.

Senate,
stationery.

For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.

House,
stationery.

For stationery for the house of representatives, purchased by the clerk, a sum not exceeding twelve hundred dollars.

Printing and
binding, senate
and house.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-five thousand dollars.

Manual.

For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding four thousand dollars.

Sergeant-at-
arms,
stationery, etc.

For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding one thousand dollars.

Senate and
house, contin-
gent expenses.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding six thousand dollars.

Expenses of
committees.

For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.

Advertising
hearings.

For expenses of advertising hearings of the committees of the present general court, to include expenses of preparing and mailing the advertisements to the various newspapers, a sum not exceeding fifteen thousand dollars.

Witness fees.

For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 15, 1904.

Chap. 2 AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF THE JOINT SPECIAL COMMITTEE ON THE FEES AND SALARIES OF CERTAIN OFFICIALS.

Be it enacted, etc., as follows :

Compensation
of joint special
committee on
fees and
salaries of cer-
tain officials.

SECTION 1. The sum of eleven thousand seven hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of the joint special committee

appointed to sit during the recess of the general court to consider the question of the fees and salaries of certain officials.

SECTION 2. This act shall take effect upon its passage.

Approved January 26; 1904.

AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO ESTABLISH
A BOARD OF PUBLIC WORKS.

Chap. 3

Be it enacted, etc., as follows:

SECTION 1. The town of Arlington shall, at its next annual meeting after the acceptance of this act, elect by ballot a board of public works, consisting of three members.

Town of
Arlington to
elect a board
of public
works.

SECTION 2. At the meeting at which this act is accepted, or at a meeting held at least twenty days before the annual meeting at which this act is to become operative, the town shall vote to elect the members of said board of public works either annually for the term of one year, or one for the term of one year, one for the term of two years, one for the term of three years, and annually thereafter one for the term of three years.

Terms of
office.

SECTION 3. The provisions of law relating to the compensation, oath of office, entering upon the performance of duties, tenure of office, change in the term of office, failure in election, and vacancies in the office of selectmen are hereby made applicable to the members of said board of public works.

Certain pro-
visions of law
to apply.

SECTION 4. Upon the election of said board of public works all the powers, rights, duties and liabilities of the boards of surveyors of highways, water commissioners and sewer commissioners in said town shall be transferred to the board of public works created by this act, and the boards of surveyors of highways, water commissioners and sewer commissioners shall be abolished. No existing contracts or liabilities shall be affected hereby, but the board hereby created shall in all respects, and for all purposes whatsoever, be the lawful successor of said boards of surveyors of highways, water commissioners and sewer commissioners.

Powers,
duties, etc.

Existing con-
tracts not
affected, etc.

SECTION 5. Upon the election of said board of public works all the powers, rights, duties and liabilities of the selectmen in said town now existing or hereafter created by law, relating to highways, town ways, the laying out and discontinuance of ways, bridges, sidewalks, guide posts, monuments at the termini and angles of roads, pub-

Construction,
etc., of streets,
ways, etc.

lic squares, playgrounds, shade trees, sewers, drains, street watering, street lighting, the assessment of damages and betterments, water pipes, gas pipes, conduits, poles, wires, street railways, the granting of locations, rights or licenses for structures upon, under or over highways or other ways, shall be exercised, enjoyed, performed and incurred by a board consisting of the selectmen and the board of public works created by this act, sitting jointly as the board of survey.

When to take effect.

SECTION 6. This act shall take effect upon its acceptance by the voters of the town of Arlington within one year after the passage of this act at any regular meeting, or at any special meeting called for the purpose.

Approved January 28, 1904.

Chap. 4 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit:—

Commissioners of savings banks, chairman.

For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

Associate commissioners.

For the salaries of the two associate commissioners of savings banks, three thousand dollars each.

First clerk.

For the salary of the first clerk of the commissioners, two thousand dollars.

Second clerk.

For the salary of the second clerk of the commissioners, fifteen hundred dollars.

Third clerk.

For the salary of the third clerk of the commissioners, twelve hundred dollars.

Additional clerks, etc.

For such additional clerks and expert assistants as the commissioners may deem necessary, a sum not exceeding twenty-five hundred dollars.

Expenses.

For travelling and incidental expenses of the commissioners, a sum not exceeding three thousand dollars.

Annual report.

For printing and binding the annual report of the commissioners, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY. *Chap. 5*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salary of the state librarian, three thousand dollars. *State librarian.*

For the purchase of books for the state library, sixty-five hundred dollars. *Purchase of books.*

For such clerical assistance in the state library as may be necessary, a sum not exceeding forty-three hundred dollars. *Clerical assistance.*

For preparing an index to current events and such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars. *Index to current events.*

For contingent expenses in the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding twenty-five hundred dollars. *Expenses.*

For printing and binding the annual report of the librarian of the state library, a sum not exceeding eight hundred dollars. *Annual report.*

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH. *Chap. 6*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the compensation of the lieutenant governor, two thousand dollars; and for that of the executive council, sixty-four hundred dollars. *Lieutenant governor and council, compensation.*

For travelling expenses of the executive council, a sum not exceeding fifteen hundred dollars. *Travelling expenses.*

Private secretary.	For the salary of the private secretary of the governor, twenty-five hundred dollars.
Executive secretary.	For the salary of the executive secretary, two thousand dollars.
Stenographer.	For the salary of the executive stenographer, a sum not exceeding fifteen hundred dollars.
Messenger.	For the salary of the executive messenger, one thousand dollars.
Assistant.	For the salary of the assistant executive messenger, eight hundred dollars.
Executive department, expenses.	For contingent expenses of the executive department, a sum not exceeding three thousand dollars.
Postage, printing, etc.	For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars.
Governor and council, expenses.	For travelling and contingent expenses of the governor and council, a sum not exceeding three thousand dollars.
Postage, printing, etc.	For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.
Extraordinary expenses.	For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.
Indexes to statutes, etc.	For the preparation of tables and indexes relating to the statutes of the present year and previous years, a sum not exceeding five hundred dollars.
Arrest of fugitives from justice.	For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 7 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit:—
Auditor.	For the salary of the auditor, thirty-five hundred dollars.
First clerk.	For the salary of the first clerk in the auditor's department, twenty-five hundred dollars.
Second clerk.	For the salary of the second clerk in the auditor's department, twenty-two hundred dollars.

For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars. Extra clerks.

For stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding forty-five hundred dollars. Stenographers, etc.

For the salary of the messenger in the auditor's department, nine hundred dollars. Messenger.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. Printing expert.

For incidental and contingent expenses in the auditor's department, a sum not exceeding fifteen hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS.

Chap. 8

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : — Appropriations.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding two thousand dollars. Free public libraries.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, the same to include printing and binding the annual report, a sum not exceeding seven hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Chap. 9

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : — Appropriations.

Attorney-general.

For the salary of the attorney-general, five thousand dollars.

Assistants, etc.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as may be deemed necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding forty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 10 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit:—

Board of conciliation, etc.

For the salaries of the members of the state board of conciliation and arbitration, six thousand dollars.

Clerk.

For the salary of the clerk of the state board of conciliation and arbitration, twelve hundred dollars.

Expenses.

For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, the same to include printing and binding the annual report, also the compensation of expert assistants, a sum not exceeding thirteen thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 11 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit:—

Insurance commissioner.

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

For the salary of the actuary in the insurance department, two thousand dollars. Actuary.

For the salary of the examiner in the insurance department, two thousand dollars. Examiner.

For the salary of the chief clerk in the insurance department, two thousand dollars. Chief clerk.

For the salary of the second clerk in the insurance department, fifteen hundred dollars. Second clerk.

For the salary of the third clerk in the insurance department, twelve hundred dollars. Third clerk.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-six thousand and twenty-five dollars. Additional clerks, etc.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding four thousand dollars. Expenses.

For printing and binding the annual report of the insurance commissioner, a sum not exceeding forty-six hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING AN APPROPRIATION FOR SURVEYS, IMPROVEMENTS
AND PRESERVATION OF HARBORS, AND FOR REPAIRING DAMAGES
OCCASIONED BY STORMS ALONG THE COAST LINE AND RIVER
BANKS.

Chap. 12

Be it enacted, etc., as follows :

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for surveys of harbors, and for improving and preserving the same, and for repairing damages occasioned by storms along the coast line or river banks of the Commonwealth, during the year ending on the thirty-first day of December, nineteen hundred and four. Preservation of harbors, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 13 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows:

Massachusetts
School Fund.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by section two of chapter forty-one of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 14 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Controller of
county
accounts.

For the salary of the controller of county accounts, twenty-five hundred dollars.

First deputy.

For the salary of the first deputy controller of county accounts, eighteen hundred dollars.

Second deputy.

For the salary of the second deputy controller of county accounts, fifteen hundred dollars.

Third deputy.

For the salary of the third deputy controller of county accounts, twelve hundred dollars.

Expenses.

For travelling and office expenses of the controller of county accounts and of his deputies, to include printing and binding the annual report, a sum not exceeding fourteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 15 AN ACT MAKING APPROPRIATIONS FOR THE EXPERIMENT STATION AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For maintaining an agricultural experiment station at the Massachusetts Agricultural College, the sum of ten thousand dollars.

Agricultural experiment station.

For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding three thousand dollars.

Collecting, etc., samples of concentrated commercial feed stuffs.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 16

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts Agricultural College, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

For providing eighty free scholarships, the sum of ten thousand dollars.

Massachusetts Agricultural College, scholarships. Labor fund, etc.

To be expended under the direction of the trustees, the sum of ten thousand dollars, as follows : — Five thousand dollars for the establishment of a labor fund to assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and by the laws of the United States relating thereto.

For maintenance of the heating and lighting plant of the college, the sum of five hundred dollars.

Heating and lighting plant.

For maintenance of the dining hall at the college, the sum of five hundred dollars.

Dining hall.

For travelling and other necessary expenses of the trustees of the college, a sum not exceeding five hundred dollars.

Expenses of trustees.

For a maintenance fund for the veterinary laboratory at the college, the sum of one thousand dollars.

Veterinary laboratory.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 17 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Tax commissioner.

For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

Deputy.

For the salary of the deputy tax commissioner, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk.

For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Clerical assistance.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding seventeen thousand dollars.

Travelling expenses.

For travelling expenses of the tax commissioner and his deputy, a sum not exceeding five hundred dollars.

Expenses.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding forty-one hundred and fifty dollars.

State valuation.

For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

Annual report.

For printing and binding the annual report of the tax commissioner, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 18 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows :

Worcester Polytechnic Institute.

SECTION 1. The sum of six thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter one hundred and fifty-seven of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 19*
OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salaries of the Massachusetts highway commission, the sum of eighty-five hundred dollars.

For the salaries of the engineers, clerks and assistants in the office of the commission, a sum not exceeding thirteen thousand dollars.

For travelling and other expenses of the commission, including printing, postage and necessary office expenses, a sum not exceeding five thousand dollars.

For rent of offices for the use of the commission, a sum not exceeding forty-seven hundred and fifty dollars.

For the care and repair of road-building machinery, a sum not exceeding fifteen hundred dollars.

For expenses in connection with the registration of motor vehicles, and the licensing of operators thereof, a sum not exceeding five thousand dollars.

For printing and binding the annual report of the commission, a sum not exceeding twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE INSTRUCTION OF THE *Chap. 20*
ADULT BLIND AT THEIR HOMES BY THE PERKINS INSTITUTION AND
MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows :

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, for the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 21 AN ACT MAKING AN APPROPRIATION FOR THE PERKINS INSTITUTION
AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows :

Perkins Insti-
tution and
Massachusetts
School for the
Blind.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 22 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES
OF THE HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salaries and expenses of the harbor and land commissioners, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Harbor and
land
commissioners,
salaries.
Clerical
assistance, etc.

For the salaries of the commissioners, eighty-seven hundred dollars.

Travelling
expenses, etc.

For the compensation and expenses of the engineer, and for clerical and other assistance authorized by the commissioners, a sum not exceeding twenty-eight thousand dollars.

For travelling and other necessary expenses of the commissioners, a sum not exceeding seven hundred and fifty dollars.

Office
expenses.

For incidental and contingent office expenses of the commissioners, to include printing and binding their annual report, a sum not exceeding seventeen hundred and fifty dollars.

Town
boundary
atlases.

For printing town boundary atlases, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES *Chap. 23*
AND PENSIONS TO SOLDIERS AND OTHERS.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others, during the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

For annuities to soldiers and others, as authorized by the general court, the sum of fifty-five hundred forty-eight dollars and sixteen cents.

Annuities to soldiers, etc.

For pensions authorized by the general court, the sum of five hundred and twenty dollars.

Pensions.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE REMOVAL OF WRECKS *Chap. 24*
FROM TIDE WATERS.

Be it enacted, etc., as follows :

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the removal of wrecks and other obstructions from tide waters, as provided for by section twenty-two of chapter ninety-seven of the Revised Laws, during the year ending on the thirty-first day of December, nineteen hundred and four.

Removal of obstructions from tide waters.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN *Chap. 25*
CLAIMS ARISING FROM THE DEATH OF FIREMEN IN THE DISCHARGE
OF THEIR DUTIES.

Be it enacted, etc., as follows :

SECTION 1. The sum of seven thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of firemen belonging to the regularly organized fire depart-

Payment of certain claims arising from the death of firemen.

ment of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire department, who are killed or who die from injuries received while in the discharge of their duties at fires, during the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 26 AN ACT MAKING AN APPROPRIATION FOR DREDGING A PART OF THE SOUTHERLY SHORE OF SOUTH BOSTON.

Be it enacted, etc., as follows :

Dredging part
of southerly
shore of South
Boston.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended by the harbor and land commissioners in dredging a part of the southerly shore of South Boston, during the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 27 AN ACT MAKING AN APPROPRIATION FOR PROTECTING THE PURITY OF INLAND WATERS.

Be it enacted, etc., as follows :

Protecting
purity of
inland waters.

SECTION 1. A sum not exceeding thirty-four thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the services of engineers, chemists, biologists and other persons, and for other expenses made necessary and authorized by chapter seventy-five of the Revised Laws, in protecting the purity of inland waters, during the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH. *Chap. 28*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

SUPREME JUDICIAL COURT.

For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.

Supreme judicial court, chief justice.

For travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.

Associate justices.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical assistance to clerk.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Clerical assistance to justices.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Expenses.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars ; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars.

Reporter of decisions, etc.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Officers and messenger.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

Clerk for Suffolk.

SUPERIOR COURT.

For the salary and travelling expenses of the chief justice of the superior court, seventy-five hundred dollars.

Superior court, chief justice.

For the salaries and travelling expenses of the twenty-two associate justices of the superior court, one hundred and fifty-four thousand dollars.

Associate justices.

For the salary of the assistant clerk of the superior court, five hundred dollars.

Assistant clerk.

COURTS OF PROBATE AND INSOLVENCY.

Probate and
insolvency
judges,
Barnstable.
Berkshire.

For the salary of the judge of probate and insolvency for the county of Barnstable, thirteen hundred dollars.

For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-five hundred dollars.

Bristol.

For the salary of the judge of probate and insolvency for the county of Bristol, three thousand dollars.

Dukes County.

For the salary of the judge of probate and insolvency for the county of Dukes County, seven hundred dollars.

Essex.

For the salary of the judge of probate and insolvency for the county of Essex, forty-five hundred dollars.

Franklin.

For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars.

Hampden.

For the salary of the judge of probate and insolvency for the county of Hampden, three thousand dollars.

Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampshire, sixteen hundred dollars.

Middlesex.

For the salaries of the two judges of probate and insolvency for the county of Middlesex, forty-five hundred dollars each.

Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, nine hundred dollars.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-eight hundred dollars.

Plymouth.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars.

Suffolk.

For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each.

Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, forty-five hundred dollars.

Acting in
other counties.

For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding three thousand dollars.

Register,
Barnstable.

For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars.

Berkshire.

For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars.

Bristol.

For the salary of the register of probate and insolvency for the county of Bristol, twenty-five hundred dollars.

Dukes County.

For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred dollars.

- For the salary of the register of probate and insolvency for the county of Essex, thirty-three hundred dollars. Essex.
- For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.
- For the salary of the register of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampden.
- For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.
- For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.
- For the salary of the register of probate and insolvency for the county of Nantucket, nine hundred dollars. Nantucket.
- For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars. Norfolk.
- For the salary of the register of probate and insolvency for the county of Plymouth, eighteen hundred dollars. Plymouth.
- For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars. Suffolk.
- For the salary of the register of probate and insolvency for the county of Worcester, three thousand dollars. Worcester.
- For the salary of the assistant register of probate and insolvency for the county of Bristol, one thousand dollars. Assistant register, Bristol.
- For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-three hundred dollars. Essex.
- For the salary of the assistant register of probate and insolvency for the county of Hampden, one thousand dollars. Hampden.
- For the salary of the assistant register of probate and insolvency for the county of Middlesex, twenty-five hundred dollars. Middlesex.
- For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars. Norfolk.
- For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars. Suffolk.
- For the salary of the assistant register of probate and insolvency for the county of Worcester, twenty-three hundred dollars. Worcester.
- For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars. Clerical assistance, Bristol.

Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding twenty-five hundred dollars.
Hampden.	For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding six hundred dollars.
Middlesex.	For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding four thousand dollars.
Norfolk.	For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding six hundred dollars.
Plymouth.	For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding five hundred dollars.
Suffolk.	For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding fifty-one hundred dollars.
Worcester.	For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding thirty-three hundred and fifty dollars.
Clerk of register, Suffolk.	For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
In the several counties except Suffolk.	For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding nine thousand dollars.
Expenses.	For expenses of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars.

DISTRICT ATTORNEYS.

District attorney, Suffolk.	For the salary of the district attorney for the Suffolk district, five thousand dollars.
First assistant.	For the salary of the first assistant district attorney for the Suffolk district, thirty-eight hundred dollars.
Second assistant.	For the salary of the second assistant district attorney for the Suffolk district, thirty-eight hundred dollars.
Clerk.	For the salary of the clerk of the district attorney for the Suffolk district, eighteen hundred dollars.
District attorney, northern district.	For the salary of the district attorney for the northern district, three thousand dollars.
Assistant.	For the salary of the assistant district attorney for the northern district, two thousand dollars.

- For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.
- For the salary of the assistant district attorney for the eastern district, fourteen hundred dollars. Assistant.
- For the salary of the district attorney for the southeastern district, twenty-four hundred dollars. Southeastern district.
- For the salary of the assistant district attorney for the southeastern district, fourteen hundred dollars. Assistant.
- For the salary of the district attorney for the southern district, twenty-two hundred dollars. Southern district.
- For the salary of the assistant district attorney for the southern district, twelve hundred dollars. Assistant.
- For the salary of the district attorney for the middle district, twenty-four hundred dollars. Middle district.
- For the salary of the assistant district attorney for the middle district, twelve hundred dollars. Assistant.
- For the salary of the district attorney for the western district, twenty-one hundred dollars. Western district.
- For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.
- For the payment of expenses of the state board of bar examiners, a sum not exceeding thirteen hundred dollars. Bar examiners.
- SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE PRESERVATION OF TOWN RECORDS OF BIRTHS, MARRIAGES AND DEATHS. *Chap. 29*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the year ending on the thirty-first day of December, nineteen hundred and four, for the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty. Preservation of certain town records.

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1904.

Chap. 30 AN ACT MAKING AN APPROPRIATION FOR PRINTING AND BINDING THE ANNUAL REPORT OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows :

Report of the
metropolitan
water and
sewerage
board.

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for printing and binding the annual report of the metropolitan water and sewerage board, the cost of the same to be assessed and collected by the treasurer and receiver general equally upon and from the metropolitan water and metropolitan sewerage districts.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 31 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in dentistry, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit :—

Board of
registration in
dentistry.
Expenses.

For the salaries of the members of the board, seventeen hundred dollars.

For travelling and other expenses of the board, a sum not exceeding one thousand dollars.

Clerical
services, etc.

For clerical services, postage, printing and other necessary expenses of the board, including the printing of the annual report, a sum not exceeding twelve hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 32 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts reforma-

tory, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

For the salaries of officers, a sum not exceeding eighty-two thousand dollars.

Massachusetts
reformatory,
salaries of
officers.
Instructors,
teachers, etc.

For the salaries and wages of instructors, teachers and other employes, a sum not exceeding twenty-four thousand nine hundred dollars.

For other current expenses, a sum not exceeding one hundred and nine thousand seven hundred dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE REFORMATORY PRISON FOR WOMEN.

Chap. 33

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the reformatory prison for women, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Appropriations.

For the payment of salaries and wages, a sum not exceeding twenty-five thousand dollars.

Reformatory
prison for
women,
salaries, etc.
Expenses.

For other current expenses, a sum not exceeding thirty-two thousand dollars.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars.

Town of
Framingham.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION
IN MEDICINE.

Chap. 34

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in medicine, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Appropriations.

For the salaries of the members of the board, forty-three hundred dollars.

Board of
registration in
medicine.

For travelling and other expenses of the board, a sum not exceeding eight hundred dollars.

Expenses.

Clerical
services, etc.

For clerical services, printing, postage, office supplies and contingent expenses of the members of the board, and the printing of the annual report, a sum not exceeding seventeen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 35 AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

State and
military aid.

For repayment to cities and towns of money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding eight hundred and six thousand dollars, the same to be paid on or before the tenth day of December in the year nineteen hundred and four.

Commissioner
of state aid
and pensions.
Deputy.

For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars.

For the salary of the deputy commissioner of state aid and pensions, two thousand dollars.

Clerical assistance,
etc.

For clerical assistance, salaries and expenses of agents, and for other expenses of the commissioner of state aid and pensions, a sum not exceeding thirteen thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

Chap. 36 AN ACT MAKING APPROPRIATIONS FOR THE TECHNICAL EDUCATIONAL FUND, UNITED STATES GRANT.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to enable the treasurer and receiver general to comply with chapter one hundred and nine of the acts of the year nineteen hundred and three and to meet the deficit in interest on the bonds in the Technical Educational Fund, United States Grant, to wit : —

For the income of the Technical Educational Fund, United States Grant, the sum of thirty-two hundred and eighty-five dollars.

Income of the Technical Educational Fund, United States Grant.

To restore to the Technical Educational Fund, United States Grant, the amount of the premium paid and the deficit incurred in reinvesting said fund, the sum of thirty-three hundred forty-nine dollars and ninety cents.

To restore certain amount to fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON.

Chap. 37

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

For the payment of salaries at the state prison, a sum not exceeding eighty-one thousand dollars.

State prison, salaries.

For other current expenses at the state prison, a sum not exceeding eighty-one thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1904.

AN ACT RELATIVE TO THE SITTINGS OF THE SUPERIOR COURT FOR THE COUNTY OF BERKSHIRE.

Chap. 38

Be it enacted, etc., as follows :

SECTION 1. Section twenty-four of chapter one hundred and fifty-seven of the Revised Laws is hereby amended by striking out the word "fourth", in the fifth line, and inserting in place thereof the word : — first, — also by striking out the words "February, June", in the same line, and inserting in place thereof the word : — April, — so that the second paragraph of said section will read as follows : —

R. L. 157, § 24, amended.

For the county of Berkshire, at Pittsfield, for civil business, on the first Mondays of April and October ; for criminal business, on the second Mondays of January and July.

Sittings of superior court, county of Berkshire.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1904.

Chap. 39 AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Publication
of record of
soldiers and
sailors.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, as authorized by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1904.

Chap. 40 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES OF EMPLOYEES AND FOR OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Engineer's department.

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding twenty-seven thousand five hundred dollars.

Watchmen.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding fourteen thousand six hundred dollars.

Messengers, porters, etc.

For the salaries of the sergeant-at-arms' messengers, porters and office boy at the state house, a sum not exceeding ninety-five hundred dollars.

Telephones.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding six thousand dollars.

Heat, light, etc.

For heat, light and power at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding thirty-five thousand dollars.

Care of state house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses

as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-five thousand dollars.

For new furniture and fixtures, a sum not exceeding five thousand dollars. New furniture, etc.

For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred and fifty dollars. Expenses.

For the salary of the cashier of the sergeant-at-arms, a sum not exceeding one thousand dollars. Cashier.

For the salary of the state house matron, a sum not exceeding eight hundred dollars. Matron.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1904.

AN ACT RELATIVE TO THE HOLDING OF PRIMARIES BEFORE TOWN MEETINGS. Chap. 41

Be it enacted, etc., as follows :

SECTION 1. The provisions of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, providing for joint caucuses of all political and municipal parties, shall not, in towns, apply to caucuses, unless the town at an annual meeting hereafter votes that primaries shall be held therein in accordance with said act, and, if such vote is passed, the provisions of the act shall not apply to caucuses for the nomination of town officers, unless expressly provided in the vote. Holding of joint caucuses before town meetings.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND. Chap. 42

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws. Payment of premiums on certain securities.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 43 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Commissioner of public records.

For the salary of the commissioner of public records, twenty-five hundred dollars,

Expenses.

For travelling, clerical and other necessary expenses of the commissioner of public records, including the printing of his annual report, a sum not exceeding twenty-five hundred dollars.

Purchase of ink.

For the purchase of ink for public records, a sum not exceeding four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 44 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Ballot law commission.

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Expenses.

For the expenses of the ballot law commission, a sum not exceeding two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 45 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars. Civil service commission.

For the salary of the chief examiner of the civil service commission, three thousand dollars. Chief examiner.

For the salary of the secretary of the civil service commission, two thousand dollars. Secretary.

For the salary of the registrar of labor of the civil service commission, two thousand dollars. Registrar of labor.

For clerical assistance, and for office, printing, traveling and incidental expenses of the commissioners, chief examiner and secretary, and for advertising and stationery, a sum not exceeding sixteen thousand seven hundred dollars. Expenses.

For printing and binding ten thousand copies of the annual report of the civil service commission, a sum not exceeding eight hundred and fifty dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL. Chap. 46

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : — Appropriations.

For the salary of the treasurer and receiver general of the Commonwealth, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, twenty-six hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, twenty-one hundred dollars. Second clerk.

For the salary of the third clerk in the treasurer's department, eighteen hundred dollars. Third clerk.

For the salary of the receiving teller in the treasurer's department, eighteen hundred dollars. Receiving teller.

For the salary of the paying teller in the treasurer's department, eighteen hundred dollars. Paying teller.

Assistant paying teller.	For the salary of the assistant paying teller in the treasurer's department, one thousand dollars.
Cashier.	For the salary of the cashier in the treasurer's department, twenty-two hundred dollars.
Assistant bookkeeper.	For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars.
Fund clerk.	For the salary of the fund clerk in the treasurer's department, fifteen hundred dollars.
Warrant clerk.	For the salary of the warrant clerk in the treasurer's department, twelve hundred dollars.
Files clerk.	For the salary of the files clerk in the treasurer's department, nine hundred dollars.
Legacy tax clerk.	For the salary of the legacy tax clerk in the treasurer's department, nineteen hundred dollars.
Stenographer.	For the salary of the stenographer in the treasurer's department, nine hundred dollars.
Messenger.	For the salary of the messenger in the treasurer's department, nine hundred dollars.
Clerical assistance.	For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.
Expenses.	For incidental and contingent expenses in the treasurer's department, a sum not exceeding four thousand dollars.
Tax on collateral legacies, etc.	For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding one thousand dollars.
Deputy sealer of weights, etc.	For the salary of the deputy sealer of weights, measures and balances, fifteen hundred dollars.
Expenses.	For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding seven hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town, also to provide cities and towns with such parts of said sets as may be necessary to make their sets complete, a sum not exceeding four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF INSPECTORS OF ANIMALS. *Chap. 47*

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding seventy-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of inspectors of animals, during the year ending on the thirty-first day of December, nineteen hundred and four. Inspectors of animals.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY. *Chap. 48*

Be it enacted, etc., as follows :

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology. Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY. *Chap. 49*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit :— Appropriations.

For the salaries of the members of the board, twenty-four hundred dollars. Board of registration in pharmacy.

For travelling and other expenses of the members of the board, a sum not exceeding fourteen hundred and seventy-five dollars. Expenses.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars. Agent.

For a stenographer, witness fees, and for incidental and contingent expenses of the board, including the printing Stenographer, witness fees, etc.

of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 50 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR SUNDRY REFORMATORY EXPENSES.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Prison commissioners, chairman.

For the salary of the chairman of the prison commissioners, four thousand dollars.

Secretary.

For the salary of the secretary of the prison commissioners, twenty-five hundred dollars.

Clerical assistance.

For clerical assistance in the office of the prison commissioners, a sum not exceeding forty-seven hundred dollars.

Agents.

For the salaries of the agents of the prison commissioners, fifty-two hundred dollars.

Travelling expenses.

For travelling expenses of the prison commissioners, and of the secretary and agents of said commissioners, a sum not exceeding three thousand dollars.

Expenses.

For incidental and contingent expenses of the prison commissioners, including the printing and binding of the annual report, a sum not exceeding twenty-six hundred dollars.

Agent for aiding discharged female prisoners. Expenses.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars.

For the expenses of the agent for aiding discharged female prisoners, including assistance rendered to such prisoners, a sum not exceeding three thousand dollars.

Aiding prisoners discharged from reformatory.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prisoners discharged from state prison. Removal of prisoners.

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding six-teen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 51*
OF THE RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salaries of the railroad commissioners, thirteen thousand dollars. Appropriations.
Railroad commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars. Clerk.

For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars. Assistant clerk.

For such additional clerical assistance as the railroad commissioners may find necessary for the proper despatch of public business, a sum not exceeding twelve hundred dollars. Clerical assistance.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars. Accountant.

For the salaries and expenses of the steam railroad inspectors, a sum not exceeding nine thousand dollars. Steam railroad inspectors.

For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding eighty-two hundred dollars. Experts, etc.

For rent, care of office and salary of a messenger for the railroad commissioners, a sum not exceeding fifty-five hundred dollars. Rent, messenger, etc.

For books, maps, statistics, stationery, incidental and contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars. Stationery, etc.

For the expenses of taking evidence given at inquests on deaths by accident upon steam and street railways, a sum not exceeding three thousand dollars. Evidence at inquests.

For a stenographer and stenographic reports, a sum not exceeding twelve hundred dollars. Stenographer, etc.

For printing and binding the annual report of the railroad commissioners, a sum not exceeding five thousand dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 52 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR PURCHASING PAPER, AND FOR PUBLISHING LAWS AND MATTERS RELATING TO ELECTIONS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit :—

Public documents.

For printing and binding the series of public documents, a sum not exceeding sixteen thousand dollars.

Pamphlet edition, acts and resolves.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars.

Blue book.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars.

Publication of laws, etc.

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars.

Reports of decisions of supreme judicial court.
Purchase of paper.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty-two thousand dollars.

Assessors' books, etc.

For assessors' books and blanks, a sum not exceeding two thousand dollars.

Registration books, etc.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding thirty-eight hundred dollars.

Printing, etc., ballots.

For printing and distributing ballots, a sum not exceeding twelve thousand dollars.

Blank forms, etc.

For blank forms for town officers, election laws and instructions on all matters relating to elections, and the expense of advertising the state ticket, a sum not exceeding thirty-five hundred dollars.

Blanks.

For furnishing suitable blanks to registrars of voters, a sum not exceeding five hundred dollars.

Counting apparatus.

For the purchase of apparatus to be used at polling places in the canvass and count of votes, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH. *Chap. 53*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salary of the secretary of the Commonwealth, thirty-five hundred dollars. Appropriations.
Secretary of the Commonwealth.

For the salary of the first clerk in the secretary's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the secretary's department, twenty-two hundred dollars. Second clerk.

For the salary of the chief of the archives division in the secretary's department, two thousand dollars. Chief of archives division.

For the salary of the cashier in the secretary's department, a sum not exceeding twelve hundred dollars. Cashier.

For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-seven thousand two hundred dollars. Extra clerks and messengers.

For incidental and contingent expenses in the secretary's department, a sum not exceeding thirty-seven hundred and fifty dollars. Expenses.

For the arrangement and preservation of state records and papers, a sum not exceeding four thousand dollars. Arrangement of records, etc.

For postage and expressage on documents to members of the general court, and for transportation of documents to free public libraries, a sum not exceeding twenty-five hundred dollars. Postage, etc.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding three thousand dollars. Ballot boxes.

For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars. Regimental histories.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 54 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows :

Care and maintenance of the Nantasket Beach reservation.

SECTION 1. A sum not exceeding sixteen thousand two hundred dollars is hereby appropriated, to be paid out of the Metropolitan Parks System Nantasket Maintenance Fund, for the care and maintenance of Nantasket beach by the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and four, this amount to be reimbursed to the Commonwealth by the cities and towns in the metropolitan parks district, in accordance with the provisions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 55 AN ACT MAKING AN APPROPRIATION FOR THE EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS.

Be it enacted, etc., as follows :

Trustees of Lyman and industrial schools.

SECTION 1. The sum of thirteen hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for travelling and other necessary expenses of the trustees of the Lyman and industrial schools, the same to include printing and binding their annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 56 AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows :

Extermination of contagious diseases among animals.

SECTION 1. The sum of sixty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals, during the year ending on the thirty-first day of December, nineteen hundred and four, the same to include the printing and binding of the annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 57*
OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the gas and electric light commissioners, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salaries of the commissioners, eleven thousand dollars. Appropriations.

For clerical assistance to the commissioners, a sum not exceeding forty-one hundred dollars. Gas and electric light commissioners.
Clerical assistance.

For statistics, books, stationery, and for other expenses of the commissioners, a sum not exceeding twenty-five hundred dollars. Expenses.

For the inspection of electric meters, a sum not exceeding one thousand dollars. Inspection of electric meters.

For the salary of the gas inspector, twenty-five hundred dollars. Gas inspector.

For the salary of the first assistant inspector, fifteen hundred dollars. First assistant.

For the salary of the second assistant inspector, twelve hundred dollars. Second assistant.

For compensation of deputies, and for travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding five thousand dollars. Deputies, etc.

For printing and binding the annual report of the commissioners, a sum not exceeding fifteen hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 58*
OF THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of insanity, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For travelling, office and contingent expenses of the board, a sum not exceeding five thousand dollars. State board of insanity, expenses.

Officers and employees.

For salaries of officers and employees, a sum not exceeding nineteen thousand three hundred dollars.

Transportation, etc., of state paupers.

For transportation and medical examination of state paupers, under the charge of the board, a sum not exceeding nine thousand dollars.

Support of certain insane paupers.

For the support of insane paupers boarded out in families, under the charge of the board, a sum not exceeding twenty-eight thousand dollars.

Board of insane persons in city or town almshouses.

For board of insane persons in city or town almshouses, as provided for by chapter four hundred of the acts of the year nineteen hundred and three, a sum not exceeding sixty thousand dollars.

Board of insane persons in Boston insane hospital.

For board of insane persons in the Boston insane hospital, as provided for by chapter four hundred and fifty-one of the acts of the year nineteen hundred, a sum not exceeding ninety-one thousand dollars.

Support of certain state paupers.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding six thousand dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 59 AN ACT TO PROHIBIT PERSONS FROM LOITERING WITHOUT RIGHT IN OR AROUND THE BOSTON TERMINAL STATION.

Be it enacted, etc., as follows :

Loitering without right in, etc., the Boston Terminal station prohibited.

Whoever without right loiters or remains within the station house of the Boston Terminal Company in Boston, or upon the platforms or grounds adjacent to such station, after being requested to leave the same by a police officer, or by an officer appointed with the powers of a railroad police officer, shall forfeit not less than two dollars nor more than twenty dollars.

Approved February 6, 1904.

Chap. 60 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows :

South Metropolitan System of sewage disposal.

SECTION 1. A sum not exceeding one hundred and thirty-five thousand dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance

Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton, Quincy and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION.

Chap. 61

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding eighty-three thousand dollars is hereby appropriated, to be paid out of the Metropolitan Boulevard Maintenance Fund, for the care and maintenance of boulevards and parkways in charge of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and four.

Care and maintenance of certain boulevards, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Chap. 62

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding one hundred and twenty-three thousand dollars is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, to provide for the cost of maintaining and operating the system of sewage disposal for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, Medford, Melrose and Everett, and the towns of Stoneham, Winchester, Arlington and Belmont, known as the North Metropolitan System, during the year ending on the thirty-first day of December, nineteen hundred and four.

North Metropolitan System of sewage disposal.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 63 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE COURT OF LAND REGISTRATION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Judge of land registration.

For the salary of the judge of land registration, forty-five hundred dollars.

Associate judge.

For the salary of the associate judge of land registration, four thousand dollars.

Recorder.

For the salary of the recorder of the court of land registration, forty-five hundred dollars.

Clerical assistance.

For clerical assistance in the office of the said court, a sum not exceeding four thousand dollars.

Expenses.

For sheriffs' bills, advertising, surveying, examination of titles, and sundry incidental expenses of the said court, a sum not exceeding thirteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 64 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE STEAMER LEXINGTON IN THE ENFORCEMENT OF THE LAWS RELATIVE TO FISHERIES.

Be it enacted, etc., as follows:

Operating steamer Lexington.

SECTION 1. The sum of nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for operating the steamer Lexington, which is in charge of the chief of the district police and is used in the enforcement of the fishery laws of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 65 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF AGRICULTURE, AND FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, three thousand dollars. Board of agriculture, secretary, etc.

For the salary of the first clerk of the secretary of the state board of agriculture, eighteen hundred dollars. First clerk.

For the salary of the second clerk of the secretary of the state board of agriculture, fourteen hundred dollars. Second clerk.

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding six hundred dollars. Clerical assistance, etc.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding fifteen hundred dollars. Travelling expenses, etc.

For incidental and contingent expenses of the state board of agriculture, a sum not exceeding eight hundred dollars. Incidental expenses, etc.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars. Expenses of secretary.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding twenty-seven hundred dollars. Lectures at farmers' institutes.

For bounties to agricultural societies, a sum not exceeding eighteen thousand dollars. Bounties.

For the salary of the general agent of the dairy bureau, twelve hundred dollars. Agent of dairy bureau.

For assistants, experts, chemists and agents, and for other necessary expenses of the state dairy bureau, to include printing the annual report, a sum not exceeding seven thousand dollars. Experts, chemists, etc.

For the protection of trees and shrubs from injurious insects and diseases, a sum not exceeding one thousand dollars. Protection of trees, etc.

For printing and binding the annual report of the state board of agriculture, a sum not exceeding six thousand dollars. Annual report.

For personal and incidental expenses of the trustees of the Massachusetts Agricultural College, a sum not exceeding five hundred dollars. Trustees of Massachusetts Agricultural College, expenses.

Annual report. For printing and binding the annual report of the trustees of the Massachusetts Agricultural College, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 66 AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the year ending on the thirty-first day of December, nineteen hundred and four, for completing the preparation and publication of the Province Laws, to wit :—

Province Laws, editor.

For the salary of the editor, the sum of two thousand dollars.

Chief clerk.

For the salary of the chief clerk, fifteen hundred dollars.

Clerical service, etc.

For clerical service and a messenger, a sum not exceeding thirty-four hundred dollars.

Expenses.

For stationery, postage, travelling and other necessary expenses in connection with the preparation and publication of the said laws, a sum not exceeding two hundred dollars.

Printing and binding.

For printing and binding such volumes as may be completed, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 67 AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF THE TUITION OF CHILDREN ATTENDING SCHOOL OUTSIDE OF THE TOWN IN WHICH THEY RESIDE.

Be it enacted, etc., as follows :

Tuition of certain children.

SECTION 1. A sum not exceeding forty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of tuition of children in high schools outside of the town in which they reside, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred

and thirty-three of the acts of the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION. Chap. 68

Be it enacted, etc., as follows:

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by chapter one hundred and eight of the acts of the year nineteen hundred and two.

Massachusetts
State
Firemen's
Association.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1904.

AN ACT TO DECLARE THE SECOND ADVENT CHURCH OF GOSHEN A RELIGIOUS CORPORATION AND TO RATIFY AND CONFIRM ITS ORGANIZATION AND PROCEEDINGS. Chap. 69

Be it enacted, etc., as follows:

SECTION 1. The religious society organized in Goshen in the year eighteen hundred and seventy-eight, sometimes called the Church of Christ in Goshen, is hereby declared to be a religious corporation by the name of the Second Advent Church of Goshen; and the organization and subsequent proceedings of said society, so far as they appear upon its records, except such parts of said records as relate to any attempt to change the name of said society to the Church of Christ in Goshen, are hereby ratified and confirmed.

Organization
of Second
Advent Church
of Goshen
confirmed, etc.

SECTION 2. The deed given by Harriet B. Hastings to the Second Advent Church of Goshen, dated the day of June in the year nineteen hundred, recorded in the registry of deeds in the county of Hampshire, in book five hundred thirty-six, page two hundred forty-three, and purporting to convey certain lands situated in said Goshen to the Second Advent Church of Goshen aforesaid; and the deed given by the Second Advent Church of Goshen, sometimes called the Church of Christ in Goshen, and certain persons as trustees thereof, to Harriet B. Hastings, dated the tenth day of February in the year nineteen hundred,

Certain deeds
ratified, etc.

recorded in said registry of deeds, in book five hundred thirty-one, page three hundred eighty-three, and purporting to convey or release certain lands situated in said Goshen to said Harriet B. Hastings, are hereby severally ratified and confirmed.

Certain rights
not affected.

SECTION 3. Nothing herein contained shall prevent any persons otherwise lawfully entitled so to do, from adopting and using the words "The Church of Christ in Goshen", as the name of any religious society hereafter organized in Goshen.

SECTION 4. This act shall take effect upon its passage.

Approved February 6, 1904.

Chap. 70 AN ACT TO AUTHORIZE THE CITY OF CHICOPEE TO REFUND A PART OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

City of Chicopee may issue bonds, etc.

SECTION 1. The city of Chicopee, for the purpose of refunding that part of its indebtedness at present existing as the Willimansett Bridge Loan, may issue bonds to an amount not exceeding fifty-three thousand dollars, payable not more than ten years from the date of issue. Such bonds shall be deemed to be issued under authority of chapter two hundred and eight of the acts of the year eighteen hundred and ninety-four, and the provisions of said chapter shall apply thereto. The proceeds shall be used to refund said indebtedness, but no purchaser shall be responsible for the application thereof.

R. L. 27
to apply.

SECTION 2. The provisions of chapter twenty-seven of the Revised Laws, so far as they may be applicable and except as otherwise provided herein, shall apply to the indebtedness authorized hereby and to the securities issued hereunder.

SECTION 3. This act shall take effect upon its passage.

Approved February 9, 1904.

Chap. 71 AN ACT RELATIVE TO THE RATE OF TAXATION IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

Taxes in the city of Brockton not to exceed certain rate.

SECTION 1. The taxes assessed on property in the city of Brockton, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed, on every one thousand dollars of

the assessors' valuation of the taxable property therein for the preceding year, fifteen dollars in the year nineteen hundred and four, fourteen dollars in the year nineteen hundred and five, and thirteen dollars in the year nineteen hundred and six; the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessments, subject to all the provisions contained in section fifty-four of chapter twelve of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE WESTBOROUGH INSANE HOSPITAL. Chap. 72

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

For the support of the Westborough insane hospital, the sum of one hundred twenty-three thousand four hundred ninety-nine dollars and thirty cents, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Westborough insane hospital.

For current expenses at said institution, in addition to the appropriation for state patients and to the receipts, a sum not exceeding ten thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE DANVERS INSANE HOSPITAL. Chap. 73

Be it enacted, etc., as follows :

SECTION 1. The sum of two hundred sixteen thousand two hundred sixty-six dollars and ninety-seven cents is

Danvers insane hospital.

Danvers
insane
hospital.

hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Danvers insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

Chap. 74 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER INSANE HOSPITAL.

Be it enacted, etc., as follows:

Worcester
insane
hospital.

SECTION 1. The sum of one hundred eighty-seven thousand two hundred sixty-six dollars and eighty-two cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Worcester insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

Chap. 75 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER INSANE ASYLUM.

Be it enacted, etc., as follows:

Worcester
insane asylum.

SECTION 1. The sum of one hundred twenty-two thousand one hundred forty-nine dollars and forty-two cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the sup-

port of the Worcester insane asylum during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections six, one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

AN ACT RELATIVE TO THE MAYOR AND CITY COUNCIL OF THE CITY Chap. 76
OF LYNN.

Be it enacted, etc., as follows :

SECTION 1. Section five of chapter three hundred and sixty-seven of the acts of the year nineteen hundred, said act being the charter of the city of Lynn, is hereby amended by striking out all after the word "begin", in the third line, to and including the word "evening", in the fifth line, and inserting in place thereof the words : — at ten o'clock in the forenoon on the first Monday of January and continue until ten o'clock in the forenoon, — so as to read as follows : — *Section 5.* The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the forenoon on the first Monday of January and continue until ten o'clock in the forenoon on the first Monday of the following January.

1900, 367, § 5,
amended.

Municipal
election and
municipal
year.

SECTION 2. Section eleven of said chapter is hereby amended by striking out the words "half-past seven o'clock in the evening", in the third and fourth lines, and inserting in place thereof the words : — ten o'clock in the forenoon, — so as to read as follows : — *Section 11.* The mayor elect and the members elect of the city council shall on the first Monday in January succeeding their election, at ten o'clock in the forenoon, assemble and be sworn to the faithful discharge of their duties by the city clerk or by any justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be elected subsequently, the oath of office may at any time thereafter be administered to him in presence

1900, 367, § 11,
amended.

Oath of office
of mayor and
members of
city council,
etc.

of the city council ; and at any time after the first Monday in January the oath of office may be administered in presence of either branch of the city council to any member of such branch who was absent on the first Monday in January, or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has so been taken by the members of that branch.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1904.

Chap. 77 AN ACT RELATIVE TO THE WATER SUPPLY OF THE ASHFIELD WATER COMPANY.

Be it enacted, etc., as follows :

1908, 217, § 2,
amended.

The Ashfield
Water
Company
may take
certain waters,
lands, etc.

Proviso.

May erect
structures, lay
pipes, etc.

SECTION 1. Section two of chapter two hundred and seventeen of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "brook", in the third line, the words : — of Bear Swamp brook and of Creamery brook, — so as to read as follows : —

Section 2. Said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Taylor brook, of Bear Swamp brook and of Creamery brook in said town, and all the waters which flow into or from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and storing such water and for conveying the same to any part of the said town, and for constructing and maintaining ponds: *provided*, that no source of water supply shall be taken for domestic purposes under this act without the advice and approval of the state board of health ; and may erect on the land so acquired, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay conduits, pipes and other works, under and over any land, water courses, railroads, railways, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all

proper purposes of this act, said corporation may dig up such lands, and, under the direction of the selectmen of the towns in which any such ways are situated, may enter upon and dig up such ways in such manner as will cause the least hindrance to public travel.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CAPE COD STREET RAILWAY COMPANY SHALL CONSTRUCT AND OPERATE ITS RAILWAY.

Chap. 78

Be it enacted, etc., as follows :

SECTION 1. The time within which the Cape Cod Street Railway Company is required by law to build and put in operation some part of its road is hereby extended until the first day of November in the year nineteen hundred and five.

Time extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES.

Chap. 79

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

STATE BOARD OF CHARITY.

For expenses of the state board of charity, including travelling and other necessary expenses of the members, and salaries and expenses in the board's central office, a sum not exceeding eight thousand dollars.

State board of charity.

For salaries and expenses in the division of state adult poor, a sum not exceeding forty thousand dollars.

Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding forty-three thousand five hundred dollars.

Minor wards.

For travelling and other necessary expenses of the auxiliary visitors of the state board of charity, a sum not exceeding sixteen hundred dollars.

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

Transportation
of state
paupers.

For transportation of state paupers under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and traveling and other expenses of probation visitors, a sum not exceeding twelve thousand five hundred dollars.

Indigent and
neglected
children, etc.

For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding two hundred and ten thousand dollars.

Dangerous
diseases.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding thirty thousand dollars.

Instruction
of certain
children.

For instruction in the public schools in any city or town in the Commonwealth, including transportation to and from such schools, of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars.

Sick state
paupers.

For the support of sick state paupers by cities and towns, for the present year and for previous years, including cases of wife settlement, a sum not exceeding sixty thousand dollars.

Burial of state
paupers.

For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding seven thousand five hundred dollars.

Temporary
aid.

For temporary aid furnished by cities and towns to state paupers and shipwrecked seamen, for the present year and for previous years, a sum not exceeding thirty thousand dollars.

Unsettled
pauper infants.

For the support and transportation of pauper infants having no settlement in this Commonwealth, including infants in infant asylums, a sum not exceeding fifty-three thousand dollars.

Annual report.

For printing and binding the annual report of the state board of charity, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS *Chap. 80*
SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows :

SECTION 1. The sum of sixty-six thousand three hundred and forty-eight dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Massachusetts School for the Feeble-minded during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Massachusetts
School for the
Feeble-
minded.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE MEDFIELD INSANE *Chap. 81*
ASYLUM.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Medfield insane asylum during the present year, to wit : —

Appropriations.

For the support of state patients, the sum of two hundred sixty-six thousand eight hundred sixty-six dollars and forty-eight cents, said sum being based upon the average number of state patients at the rate of two dollars and eighty cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report.

Medfield
insane asylum,
support of
state patients.

For current expenses, in addition to the appropriation for state patients, a sum not exceeding twenty thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 82 AN ACT MAKING APPROPRIATIONS FOR THE STATE COLONY FOR THE INSANE.

Be it enacted, etc., as follows :

State colony
for the insane.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the state colony for the insane, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Salaries, etc.

For salaries, wages and labor, a sum not exceeding twelve thousand dollars.

Expenses.

For other current expenses, including the printing and binding of the annual report, a sum not exceeding seventeen thousand three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 83 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Massachusetts
hospital for
epileptics.

For the support of the Massachusetts hospital for epileptics, the sum of forty-five thousand nine hundred ninety-nine dollars and ninety-two cents, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Expenses.

For current expenses, in addition to the appropriation for state patients and to the receipts of said hospital, the same to include the cost of printing the annual report, a sum not exceeding thirty-two thousand seven hundred and ninety-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE NORTHAMPTON INSANE HOSPITAL. *Chap. 84*

Be it enacted, etc., as follows :

SECTION 1. The sum of one hundred thirteen thousand five hundred seventy-five dollars and forty-three cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Northampton insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Northampton
insane
hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE TAUNTON INSANE HOSPITAL. *Chap. 85*

Be it enacted, etc., as follows :

SECTION 1. The sum of one hundred fifty-four thousand eight hundred and sixty dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Taunton insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include the printing and binding of the annual report, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Taunton
insane
hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 86 AN ACT TO AUTHORIZE THE TOWN OF WRENTHAM TO SUPPLY ITSELF
WITH WATER.

Be it enacted, etc., as follows:

Town of
Wrentham
may supply
itself with
water, etc.

SECTION 1. The town of Wrentham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May take
certain water,
lands, etc.

SECTION 2. Said town may obtain its water supply by means of driven, artesian or other wells, or may take by purchase or otherwise and hold the water of any pond, stream or spring, or artesian or driven well, within the limits of the town, and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving the water and for conveying the same to any part of said town: *provided*, that no source of water supply for domestic purposes and no lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the state board of health. Said town may also erect on the land taken or held as aforesaid, proper dams, buildings, reservoirs, standpipes, tanks and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works under or on any lands, water courses, railroads, railways or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

Proviso.

May erect
structures, lay
pipes, etc.

Description of
property to be
recorded.

SECTION 3. Said town shall, within ninety days after the taking of any land, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate

for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for laying out highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said town may tender to the petitioner or his attorney any sum, or may bring the same into court, to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered as damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the petitioner, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding one hundred and twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Wrentham Water Loan, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue;

shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper : *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of loan.

SECTION 7. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

Town to raise a certain sum by taxation annually.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act.

Town may purchase interest in certain property, etc.

SECTION 9. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the provisions of this act, and may hold such interest and property.

Penalty for corruption of water, etc.

SECTION 10. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town under this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the said wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

SECTION 11. Said town shall after its acceptance of this act, at a town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at every annual town meeting thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose.

Water commissioners,
election,
terms, etc.

Quorum.

Vacancy.

SECTION 12. Nothing in this act shall be construed as conflicting with or restricting the right which the town of North Attleborough has by authority given it by chapter two hundred and four of the acts of the year eighteen hundred and ninety-five in any water of any pond, stream or spring in the said town of Wrentham.

Certain rights
not affected.

SECTION 13. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Wrentham present and voting thereon by ballot at a legal town meeting called for the purpose within three years after its passage, but the number of meetings so called in any one year shall not exceed two. So far as it relates to acceptance by the said town this act shall take effect upon its passage.

When to
take effect.

Approved February 16, 1904.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE IN THE
OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Chap. 87

Be it enacted, etc., as follows :

SECTION 1. Section twelve of chapter three of the Revised Laws is hereby amended by striking out the words "Each clerk may also employ necessary clerical assistance at an expense of not more than fifteen hundred dollars a year", in the sixth, seventh and eighth lines, and inserting in place thereof the words :—The clerk of the senate may also employ necessary clerical assistance at an expense of

R. L. 3, § 12,
amended.

Assistant
clerks of house
and senate.

Clerical
assistance.

not more than fifteen hundred dollars a year, and the clerk of the house of representatives may also employ necessary clerical assistance at an expense of not more than two thousand dollars a year, — so as to read as follows : — *Section 12.* The clerk of the senate and the clerk of the house of representatives, subject to the approval of the senate and house respectively, may each appoint an assistant clerk who, in the absence of the clerk, shall perform the duties of the clerk unless a clerk pro tempore is chosen. Each clerk may remove the assistant clerk appointed by him. The clerk of the senate may also employ necessary clerical assistance at an expense of not more than fifteen hundred dollars a year, and the clerk of the house of representatives may also employ necessary clerical assistance at an expense of not more than two thousand dollars a year.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 88 AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

E. L. 4, § 8,
amended.

Executive
department,
expenses.

SECTION 1. Section eight of chapter four of the Revised Laws is hereby amended by adding at the end thereof the words : — and for clerical assistance for the executive department, a sum not exceeding one thousand dollars, — so as to read as follows : — *Section 8.* An amount not exceeding three thousand dollars shall be allowed annually by the Commonwealth for the expenses of the executive department, and for clerical assistance for the executive department, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 89 AN ACT TO INCORPORATE THE WEEKS INSTITUTE.

Be it enacted, etc., as follows :

Weeks
Institute
incorporated.

SECTION 1. Jonathan Smith, James C. Duncan and Andrew E. Ford, all of Clinton, and their successors, who shall be residents of said town, are hereby made a corporation, by the name of the Weeks Institute, for the sole purpose of establishing and maintaining a free public lec-

tuership for the education, instruction and benefit of the inhabitants of said Clinton.

SECTION 2. Said corporation shall have authority for the purpose aforesaid, and for no other, to receive by gift, bequest or otherwise, and to hold for the purposes aforesaid, and for no other, real and personal estate to the amount of one hundred and fifty thousand dollars.

May hold real and personal estate, etc.

SECTION 3. Said Jonathan Smith, James C. Duncan and Andrew E. Ford, the incorporators above named, and their successors, shall constitute the board of trustees. Whenever a vacancy shall occur in said board by reason of the death, removal from Clinton, resignation or otherwise, of any of said trustees, the two remaining trustees shall fill such vacancy; but no person shall be eligible for election to membership in said corporation or to said board of trustees who is not at the time of his election a citizen of said town. Removal from Clinton by any member of the corporation or of the board of trustees shall be deemed a termination of his membership in said corporation and a resignation of his office as such trustee.

Trustees.

Vacancy.

SECTION 4. Said corporation shall, upon the acceptance of this act, receive and hold all funds coming to said Jonathan Smith, James C. Duncan and Andrew E. Ford under and by virtue of the provisions of the second codicil to the will of George W. Weeks, late of said Clinton, or otherwise; and the same shall be appropriated, held and used by said corporation for the sole use and purpose as aforesaid, and said corporation and its officers shall carefully and considerately carry into execution the generous plans of the testator as contemplated by paragraph six of the second codicil to his will.

To receive and hold certain funds, etc.

SECTION 5. Said corporation shall appoint a treasurer, clerk and such other officers as may be required to execute the purposes of the testator as expressed by him in said paragraph six of the second codicil to his will. It shall require its treasurer to give bond with satisfactory sureties in such sum as in its discretion it may deem wise and expedient.

Officers, appointment, etc.

SECTION 6. Said corporation may make by-laws, not inconsistent with the provisions of this act, the statutes of the Commonwealth, or the terms of the said trust created by said will. And generally said corporation may do all acts and things necessary or expedient to be done for the purpose of carrying into full effect the provisions and pur-

By-laws, etc.

poses of this act and the benevolent intentions of the testator as expressed in said will.

Investment of funds, etc.

SECTION 7. The funds of the corporation coming to it under said will, or otherwise, shall be safely invested in such securities as savings banks in this Commonwealth are allowed by law to invest in, but in none other. Said corporation shall at all times have regard to all the provisions of said will affecting said trust and the desire of the testator expressed therein, and particularly to the suggestions made in the following extract therefrom, being paragraph six of the second codicil of the said will: —

Extract from second codicil of will of George W. Weeks.

VI. I give to Jonathan Smith, Rev. James C. Duncan and Andrew E. Ford, all of said Clinton, in trust, the sum of ten thousand (\$10,000) dollars, for the establishment of a free public lectureship in said town. My said trustees and their successors in the trust are to keep said sum safely invested and intact and to expend the income thereof in providing free public lectures in some suitable place in the town of Clinton. And I do enjoin upon my said trustees and their successors that they procure the best talent available for lectures, that they keep the lectureship free from all sectarian and partisan bias, and that they so conduct the same that there shall be heard from its platform the best thought upon all subjects of human inquiry. Should any of the above named trustees have removed from town or not be living at my decease, and in case I should fail to nominate by will or otherwise a successor to the vacancy, then the surviving trustees above named and who may be residents of Clinton at my death, shall fill such vacancy or vacancies in said board. Removal from town by any trustee, now or hereafter chosen, shall be deemed a resignation of his office as such trustee. And said board above selected or chosen shall afterward, as vacancies occur, fill the same by the election of some resident of Clinton.

When to take effect.

SECTION 8. This act shall take effect whenever the same shall be accepted by the unanimous vote of said trustees named in paragraph six of the second codicil of said will.

Certain obligations not affected, etc.

SECTION 9. Nothing in this act contained shall be held in any way to alter or impair any trust created by said will or either of the codicils thereto. The corporation hereby created, acting through its proper officers, shall be deemed the agent for the proper execution of all trusts

arising under said will. Nothing in this act shall be construed as releasing said corporation, acting through its proper officers, from any obligation arising from the acceptance of said bequest under said will, or from any condition made therein. Said Jonathan Smith is hereby authorized and empowered to appoint the time and place for holding the first meeting of the corporation and to notify the members thereof.

First meeting.

Approved February 16, 1904.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 90

Be it enacted, etc., as follows :

SECTION 1. The city of Cambridge may, from time to time, issue scrip or bonds in excess of the limit allowed by law, to an amount not exceeding five hundred thousand dollars, and designated on the face thereof, Cambridge Water Loan. Such scrip or bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be payable within such periods, not exceeding thirty years from the respective dates of issue, as shall be determined by said city by vote of its city council and as shall be expressed on the face of such scrip or bonds. The proceeds of said loan shall be used for the protection and extension of the water supply, and the renewal, enlargement and construction of the water works of said city. The city may sell such scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes, but the same shall not be sold or pledged for less than the par value thereof.

Cambridge
Water Loan.

SECTION 2. The provisions of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four and of the acts mentioned therein, in regard to the establishment and maintenance of a sinking fund for the redemption of the Cambridge water loan, and of all acts in amendment thereof and in addition thereto, together with the provisions of sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter twenty-seven of the Revised Laws, shall, so far as they may be applicable, apply to the loan authorized by this act.

1884, 256, etc.,
to apply.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 91 AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF THE COMMITTEE ON CORPORATION LAWS.

Be it enacted, etc., as follows:

Compensation
of committee
on corporation
laws.

SECTION 1. The sum of ten thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of the committee on corporation laws, such compensation being authorized by chapter three hundred and thirty-five of the acts of the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 92 AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS BAPTIST CONVENTION TO MASSACHUSETTS BAPTIST MISSIONARY SOCIETY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The Massachusetts Baptist Convention, a corporation continued under that name by chapter twenty-three of the acts of the year eighteen hundred and thirty-five, having been incorporated originally by chapter sixty-one of the acts of the year eighteen hundred and eight as the Baptist Missionary Society in Massachusetts, shall hereafter be known as Massachusetts Baptist Missionary Society.

Devises,
bequests, etc.

SECTION 2. All devises, bequests, conveyances and gifts, heretofore or hereafter made to said corporation by any of said names, shall vest in the Massachusetts Baptist Missionary Society.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1904.

Chap. 93 AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO EXTEND ITS WATER SUPPLY SYSTEM AND TO BORROW MONEY THEREFOR.

Be it enacted, etc., as follows:

Town of North
Andover may
extend its
water supply
system.

SECTION 1. The town of North Andover is hereby authorized to extend the water supply system acquired by it in pursuance of the provisions of chapter two hundred and two of the acts of the year eighteen hundred and ninety-three, and to expend therefor a sum not exceeding thirty thousand dollars.

North Andover
Water Loan,
1904.

SECTION 2. For the aforesaid purpose the town of North Andover is hereby authorized to issue from time to

time bonds, notes or scrip to an amount not exceeding thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, North Andover Water Loan, 1904; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, or earlier, at the option of the town; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the board of water commissioners. The town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it shall deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Proviso.

SECTION 3. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town under authority of this act shall be extinguished. Payment of loan.

SECTION 4. In addition to the amount which said town is required by the provisions of said chapter two hundred and two annually to raise, the town shall annually raise by taxation a sum which together with the income derived from the water rates will be sufficient to pay the annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to enable the town to make such payments on the principal as may be required under the provisions of this act. Town to raise a certain sum by taxation annually.

SECTION 5. This act shall take effect upon its passage.

Approved February 16, 1904.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO REFUND A PART Chap. 94
OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson is hereby authorized to borrow, for a term not exceeding thirteen years, a sum not exceeding twenty-five thousand dollars, for the pur- Town of Hudson may borrow a certain sum.

pose of paying its note for that amount due on the fifth day of October in the year nineteen hundred and four. For the sum borrowed under this act the town shall give a note or notes, to be signed by its treasurer, and countersigned by its selectmen, with interest, payable semi-annually, at a rate not exceeding four per cent per annum. Such note or notes shall provide for payment of the principal in annual payments of twenty-five hundred dollars each, commencing in the year nineteen hundred and eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 95 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of health, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

State board of health, secretary.
Expenses.

For the salary of the secretary of the board, three thousand dollars.

For the general work of the board, including all necessary travelling expenses, a sum not exceeding twenty thousand dollars.

Inspection of milk, food and drugs.

For salaries and other expenses in connection with the inspection of milk, food and drugs, a sum not exceeding twelve thousand five hundred dollars.

Examination of sewer outlets.

For expenses of the examination of sewer outlets, a sum not exceeding seventy-five hundred dollars.

Distribution, etc., of antitoxin and vaccine lymph.
Annual report.

For the production and distribution of antitoxin and vaccine lymph, a sum not exceeding eight thousand dollars.

For printing and binding the annual report, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 96 AN ACT RELATIVE TO EXPENSES OF THE RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

Expenses of railroad commissioners.

SECTION 1. The board of railroad commissioners may expend not more than forty-five hundred dollars annually

in procuring necessary books, maps, statistics and stationery, and in defraying expenses incidental and necessary to the performance of its duties.

SECTION 2. So much of section nine of chapter one hundred and eleven of the Revised Laws as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES
OF THE DISTRICT POLICE.

Chap. 97

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salary of the chief of the district police, twenty-five hundred dollars.

Appropriations.

Chief of district police.

For the salary of the deputy chief of the district police, in charge of the fire marshal's department, twenty-four hundred dollars.

Deputy chief.

For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars.

First clerk.

For the salary of the second clerk in the office of the chief of the district police, one thousand dollars.

Second clerk.

For the salary of the clerk in the fire marshal's department of the district police, twelve hundred dollars.

Clerk in fire marshal's department.

For the salary of the stenographer in the fire marshal's department of the district police, twelve hundred dollars.

Stenographer.

For the salary of the chief aid in the fire marshal's department of the district police, fifteen hundred dollars.

Chief aid.

For the salaries of six additional aids in the fire marshal's department of the district police, six thousand dollars.

Additional aids.

For the salary of the clerk in the boiler inspection department of the district police, six hundred dollars.

Clerk in boiler inspection department.

For the compensation of the members of the district police, a sum not exceeding seventy-two thousand five hundred dollars.

Members of district police.

For travelling expenses of the members of the district police, a sum not exceeding twenty-one thousand dollars.

Expenses.

For travelling, contingent and incidental expenses of the fire marshal's department of the district police, the

Expenses of fire marshal's department.

same to include services and expenses of persons employed in outside secret investigations, witness fees and travel, under the direction of the deputy chief, a sum not exceeding six thousand dollars.

Office expenses.

For postage, printing, stationery, telephone, telegraph, and incidental and contingent office expenses under the direction of the deputy chief, a sum not exceeding twenty-five hundred dollars.

Expenses of chief and members of district police.

For incidental and contingent expenses of the chief and members of the district police, a sum not exceeding twenty-five hundred dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 98 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF EDUCATION, AND FOR SUNDRY EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

State board of education, secretary.

For the salary and expenses of the secretary of the state board of education, forty-five hundred dollars.

Clerical and messenger service.

For clerical and messenger service for the state board of education, a sum not exceeding twenty-three hundred dollars.

Agents.

For salaries and expenses of agents of the state board of education, a sum not exceeding sixteen thousand three hundred dollars.

Expenses.

For incidental and contingent expenses of the state board of education, and of the secretary thereof, a sum not exceeding two thousand dollars.

Expenses of members of board.

For travelling and other expenses of the members of the state board of education, a sum not exceeding one thousand dollars.

State normal schools.

For the support of state normal schools, including the employment of accountants and other expenses of the boarding houses at the various normal schools, a sum not

exceeding two hundred seventy-one thousand two hundred and ninety-eight dollars.

For the support of the state normal art school, a sum not exceeding twenty-nine thousand two hundred and forty-six dollars.

State normal art school.

For the expenses of teachers' institutes, a sum not exceeding two thousand dollars.

Teachers' institutes.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, subject to the approval of the state board of education.

Massachusetts Teachers' Association.

For the expenses of county teachers' associations, a sum not exceeding three hundred and twenty-five dollars.

County teachers' associations.

For the Dukes County Educational Association, the sum of fifty dollars.

Dukes County Educational Association.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Aid to pupils in state normal schools.

For enabling small towns to provide themselves with school superintendents, a sum not exceeding ninety-eight thousand seven hundred and fifty dollars.

School superintendents in small towns.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding seventy-eight thousand dollars.

Education of deaf pupils.

For school registers and other school blanks for the cities and towns of the Commonwealth, a sum not exceeding twelve hundred dollars.

School blanks.

For printing and binding the annual report of the state board of education, a sum not exceeding three thousand dollars.

Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE OFFICE OF THE
TAX COMMISSIONER.

Chap. 99

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter fourteen of the Revised Laws is hereby amended by striking out the words "seventeen thousand", in the sixth line, and inserting in place thereof the words: — nineteen thousand five hundred, — so as to read as follows: — *Section 2.* He shall appoint a deputy at a salary of twenty-five hundred dollars a year and may employ two permanent clerks, the first at

R. L. 14, § 2, amended.

Clerical assistance in office of tax commissioner.

a salary of two thousand dollars a year and the second at a salary of fifteen hundred dollars a year, and such additional clerical and other assistance as may be necessary at an expense not exceeding nineteen thousand five hundred dollars a year.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 100 AN ACT RELATIVE TO THE FIRST CONGREGATIONAL SOCIETY IN SALEM.

Be it enacted, etc., as follows:

The First Congregational Society in Salem, membership, etc.

SECTION 1. The First Congregational Society in Salem, commonly known as the First Church in Salem, and duly incorporated by chapter thirty-five of the acts of the year eighteen hundred and seventeen, may, from time to time, notwithstanding anything contained in its charter, make by-laws providing for the enlargement of its membership so as to include any person in sympathy with the purposes and methods of said society, who shall agree to support it morally and financially in such a manner as may be determined by said society and as set forth in its by-laws, and who shall make to the clerk of said society a statement of such facts as may be required by the by-laws, and shall request to be admitted to membership therein. Persons so admitted under this act while members of said corporation shall have the same rights and powers and be subject to the same liabilities as the present members of said corporation; and said corporation may also from time to time make such by-laws concerning other matters as it could make if organized under general laws relating to like corporations.

Annual meeting, trustees, etc.

SECTION 2. The annual meeting of said corporation shall hereafter be held on the second Thursday evening in April of each year, and at the first annual meeting after the passage of this act there shall be elected by ballot a board of nine trustees, who shall be members of said society, to hold office, three for a period of one year, three for a period of two years and three for a period of three years, and thereafter at each annual meeting there shall be elected three trustees, who shall serve for a period of three years and until their successors are chosen and qualified. Said board of trustees shall take the place of the committee of five mentioned in said chapter thirty-five, and shall have

Trustees may purchase property, etc.

all the powers conferred upon said committee, and shall also have power to purchase property for the benefit and use of said society: *provided*, that such purchase shall first receive the sanction of a majority of the members of said society present and voting at a meeting duly called for the purpose by public notice given from the pulpit by the pastor on two consecutive Sunday mornings prior to said meeting, or by written notice sent by the clerk to every member of said society; but the legal title to the church building now occupied by said society, and to all other property now owned or hereafter purchased by it, shall be in said corporation, and may be sold, mortgaged or otherwise encumbered by it; *provided*, that such sale, mortgage or encumbrance be authorized at a legal meeting called in the manner hereinbefore provided. Said board of trustees may elect such officers of said board and may make such by-laws as are not inconsistent with the charter of said society as hereby amended, or its by-laws, and generally may manage the secular affairs of said society, subject to its direction and control, but shall have no control in the choice or dismissal of a pastor or in any of the spiritual affairs of said society.

Provisos.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1904.

AN ACT TO AUTHORIZE THE PROPRIETORS OF CEDAR GROVE CEMETERY IN THE CITY OF BOSTON TO HOLD ADDITIONAL PERSONAL ESTATE.

Chap.101

Be it enacted, etc., as follows:

SECTION 1. The Proprietors of Cedar Grove Cemetery in the city of Boston are hereby authorized to hold personal estate to the amount of one hundred thousand dollars, in addition to the amount now authorized by law.

May hold additional personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE SANATORIUM.

Chap.102

Be it enacted, etc., as follows:

SECTION 1. The sum of ninety thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care

Massachusetts state sanatorium.

and maintenance of patients at the Massachusetts state sanatorium during the year ending on the thirty-first day of December, nineteen hundred and four, to include the printing and binding of the annual report, this sum to be in addition to any receipts of the institution ; and so much of said receipts as may be needed to pay the expenses of the institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 103 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Be it enacted, etc., as follows :

Massachusetts
hospital for
dipsomaniacs
and inebriates.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Massachusetts hospital for dipsomaniacs and inebriates during the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Expenses.

For the expenses of said institution, to include the printing and binding of the annual report, the sum of twelve thousand four hundred and eighteen dollars, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, said sum to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of the institution may be used for that purpose.

Current
expenses.

For current expenses, in addition to the appropriation for state patients, a sum not exceeding ten thousand dollars.

Maintaining
industries.

For maintaining industries at said institution, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

Chap. 104 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows :

Massachusetts
nautical train-
ing school.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the Massachusetts nautical training school, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

For current expenses, a sum not exceeding fifty-five thousand dollars. Current expenses.

For the necessary expenses of the commissioners, including the salary of the secretary, clerical services, printing, stationery, and for contingent expenses, including the printing and binding of the annual report, a sum not exceeding five thousand dollars. Expenses of commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1904.

AN ACT RELATIVE TO GREAT DANES AND CERTAIN OTHER DOGS. Chap. 105

Be it enacted, etc., as follows:

SECTION 1. No person shall keep or have in his care or possession any bloodhound, excepting an English bloodhound of pure blood whose pedigree is recorded or would be entitled to record in the English bloodhound herd book, or any dog classed by dog fanciers or breeders as Cuban bloodhound or Siberian bloodhound, whether such dog is in whole or in part of such species, unless such dog is kept solely for exhibition. In such case he shall at all times be kept securely enclosed or chained, and shall not be allowed at large even though in charge of a keeper, unless properly and securely muzzled. Keeping, etc., of certain dogs prohibited.

SECTION 2. Sections one hundred and thirty-eight and one hundred and forty-one of chapter one hundred and two of the Revised Laws are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1904.

AN ACT TO PROVIDE FOR THE ELECTION OF A BOARD OF WATER AND MUNICIPAL LIGHT COMMISSIONERS IN THE TOWN OF IPSWICH. Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The town of Ipswich shall, within one year after this act takes effect, elect by ballot a board of water and municipal light commissioners, to consist of three persons, who shall hold office for terms ending one year, two years and three years, respectively, from the date of the meeting at which they are elected, if the same is an annual meeting, or, if the same is a special meeting, for Town of Ipswich to elect a board of water and municipal light commissioners.

Vacancy.

terms ending one year, two years and three years, respectively, from the date of the annual meeting next following their election, and, in either case, until their successors are elected; and at each annual town meeting thereafter the town shall elect one member of said board to serve for three years and until his successor is elected. If a vacancy shall occur in said board the town may at any meeting called for the purpose elect a person to fill such vacancy.

Powers,
duties, etc.

SECTION 2. Upon and by the election of a board of water and municipal light commissioners under section one of this act the board of water commissioners established under chapter three hundred and thirteen of the acts of the year eighteen hundred and ninety shall be abolished, and the selectmen of said town shall cease to exercise such powers and to be subject to such duties, liabilities and penalties as at the time of such election are conferred or imposed by general laws upon municipal light boards; and thereupon all the powers, rights, duties and liabilities of said board of water commissioners shall be transferred to said board of water and municipal light commissioners. Said board of water and municipal light commissioners shall also have all the powers and be subject to all the duties, liabilities and penalties which at the time of such election are or thereafter may be conferred or imposed by general laws upon municipal light boards. No contracts, rights, liabilities or suits existing at the time of such election shall be affected in any way, but said board of water and municipal light commissioners shall, in all respects and for all purposes whatsoever, be the lawful successor of said board of water commissioners and of said selectmen acting as aforesaid, respectively.

Existing contracts,
etc., not affected,
etc.When to
take effect.

SECTION 3. This act shall take effect upon its acceptance by said town at a legal meeting called for that purpose.

Approved February 24, 1904.

Chap. 107 AN ACT RELATIVE TO THE DISTRIBUTION AND USE OF THE INCOME OF THE SCHOOL FUND.

Be it enacted, etc., as follows:

Distribution of
income of
school fund.

SECTION 1. No town shall receive any part of the income of the Massachusetts School Fund unless it shall have complied, to the satisfaction of the board of education, with all laws relating to the public schools.

SECTION 2. No part of the income of the Massachusetts School Fund shall be used for payment of the compensation or expenses of members of school committees.

Not to be used for certain purposes.

Approved February 24, 1904.

AN ACT RELATIVE TO CERTAIN CERTIFICATES FILED BY THE MASSACHUSETTS HIGHWAY COMMISSION IN THE OFFICES OF THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES.

Chap.108

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter forty-seven of the Revised Laws is hereby amended by inserting before the word "certificate", in the fourth line, the words:—certified copy of a,—so as to read as follows:—*Section 6.* If said commission determines that public necessity and convenience require that such way should be laid out or be taken charge of by the Commonwealth, it shall file a certified copy of a plan thereof, a copy of the petition therefor and a certified copy of a certificate that they have laid out and taken charge of said highway in accordance with said plan, in the office of the county commissioners for the county in which the way is situated, and shall file a copy of the plan and location of the portion lying in each city or town in the office of the clerk of said city or town, and thereafter it shall be a state highway, and shall be constructed and kept in good repair and condition by the commission, at the expense of the Commonwealth.

R. L. 47, § 6, amended.

Location, etc., of certain state highways.

SECTION 2. The filing of certified copies of such certificates in the offices of the county commissioners heretofore by the Massachusetts highway commission is hereby ratified and confirmed and made valid, to the same extent as if the original certificates had been filed.

Filing of copies of certain certificates ratified, etc.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE BUREAU OF STATISTICS OF LABOR.

Chap.109

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the bureau of statistics of labor, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit:—

Appropriations.

Chief of
bureau of
statistics
of labor.
First clerk.

For the salary of the chief of the bureau, three thousand dollars.

For the salary of the first clerk, two thousand dollars.

Second clerk.

For the salary of the second clerk, sixteen hundred and fifty dollars.

Special agents.

For the salaries of the two special agents of the bureau, the sum of twenty-four hundred dollars.

Clerical
assistance.

For such additional clerical assistance and for such other expenses of the bureau as may be necessary, a sum not exceeding thirteen thousand eight hundred dollars.

Statistics of
manufactures.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.

Expenses of
special census.

For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding six hundred dollars.

Annual
reports.

For printing and binding the annual reports of the bureau of statistics of labor, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap. 110 AN ACT RELATIVE TO THE LIABILITY OF STREET RAILWAY COMPANIES FOR INJURIES ON STATE HIGHWAYS.

Be it enacted, etc., as follows:

R. L. 112, § 45,
amended.

SECTION 1. Section forty-five of chapter one hundred and twelve of the Revised Laws is hereby amended by inserting after the word "against", in the first line, the words: — the Commonwealth, — and by inserting before the word "city", in the seventh line, the word: — Commonwealth, — so as to read as follows: — *Section 45.* If, upon the trial of an action against the Commonwealth, a city, town, railroad corporation or bridge corporation, the plaintiff recovers damages for an injury to his person or property which was caused by reason of a defect in a street, highway or bridge which is occupied by the tracks of a street railway company, and the street railway company is liable for such damages and has had reasonable notice to defend the action, the Commonwealth, city, town, railroad corporation or bridge corporation may recover the

Liability for
injury caused
by defect in
highway, etc.,
in certain
cases.

damages, and all the costs of both plaintiff and defendant in the action from the street railway company.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY OTHER MILITARY EXPENSES. Chap. 111

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

For the salary of the adjutant general, thirty-six hundred dollars. Appropriations.
Adjutant general.

For the salary of the first clerk in the adjutant general's department, twenty-two hundred dollars. First clerk.

For the salary of the second clerk in the adjutant general's department, sixteen hundred dollars. Second clerk.

For the salary of an additional clerk in the adjutant general's department, two thousand dollars. Additional clerk.

For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each. Extra clerks.

For the salary of the messenger in the adjutant general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant general may find necessary, and for the compensation of employees at the state arsenal, a sum not exceeding seventy-one hundred dollars. Clerical assistance.

For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty-five thousand dollars. Militia, compensation.

For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding nineteen thousand dollars. Transportation.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding thirty-five hundred dollars. Expenses.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-eight thousand dollars. Rent of armories.

- Quartermasters' supplies.** For quartermasters' supplies, a sum not exceeding ten thousand dollars.
- Expenses.** For incidental and contingent expenses in the quartermaster general's department, a sum not exceeding five thousand dollars.
- Camp ground, etc.** For grading and caring for the camp ground and buildings of the Commonwealth at Framingham, a sum not exceeding twenty-five hundred dollars.
- Military accounts.** For expenses in connection with military accounts not otherwise provided for, a sum not exceeding four thousand dollars.
- Care, etc., of armories.** For heating, lighting, furnishing and caring for the armories recently erected in certain cities of the Commonwealth for the use of the volunteer militia, a sum not exceeding thirty-five thousand dollars.
- Janitors.** For services of janitors of certain armories, a sum not exceeding seven thousand dollars.
- Clothing.** For allowance for clothing and for repair of the same, a sum not exceeding nine thousand dollars.
- Rifle practice.** For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty-three thousand dollars.
- Care, etc., of U. S. steamer Inca.** For furnishing, repairing and caring for the United States steamer *Inca*, a sum not exceeding twelve hundred dollars.
- Care, etc., of property.** For allowance to officers of the militia for the care and responsibility of property, a sum not exceeding fifty-one hundred and fifty dollars.
- Annual report.** For printing and binding the annual report of the adjutant general, a sum not exceeding eleven hundred dollars.
- Surgeon general.** For the salary of the surgeon general, twelve hundred dollars.
- Medical supplies, etc.** For medical supplies for use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including the printing of his annual report, a sum not exceeding twenty-four hundred and seventy-five dollars.
- Examination of recruits.** For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT *Chap.112*
THE STATE FARM.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state farm, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the payment of salaries and wages, a sum not exceeding fifty-one thousand dollars.

For other current expenses, including the printing of the annual report, a sum not exceeding one hundred and thirty-six thousand two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT *Chap.113*
THE STATE HOSPITAL.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state hospital, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the payment of salaries and wages, a sum not exceeding forty-nine thousand seven hundred and twenty dollars.

For other current expenses, including the printing and binding of the annual report, a sum not exceeding one hundred sixty-four thousand three hundred and twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT *Chap.114*
THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

State industrial school for girls, salaries, etc.

For the payment of salaries and wages at the state industrial school for girls, a sum not exceeding nineteen thousand three hundred and eighty-seven dollars.

Expenses.

For other current expenses at the said school, a sum not exceeding twenty-six thousand four hundred and eighty-five dollars.

Boarding out younger girls.

For expenses in connection with boarding out younger girls from the state industrial school, to include the boarding and other expenses of girls on probation, a sum not exceeding seventy-seven hundred and thirty dollars.

Instruction in public schools.

For instruction in the public schools in any city or town in the Commonwealth of pupils boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one hundred and twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap. 115 AN ACT MAKING AN APPROPRIATION FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows :

Care of certain reservations.

SECTION 1. A sum not exceeding one hundred fifty-five thousand nine hundred and seventy-one dollars is hereby appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the care of reservations under the control of the metropolitan park commission, including the printing and binding of the annual report, during the year ending on the thirty-first day of December, nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap. 116 AN ACT TO AUTHORIZE THE TAKING OF SHINERS FOR BAIT IN THE CONNECTICUT RIVER DURING CERTAIN MONTHS.

Be it enacted, etc., as follows :

R. L. 91, § 81, amended.

SECTION 1. Section eighty-one of chapter ninety-one of the Revised Laws is hereby amended by striking out the word "river", in the third line, and inserting in place thereof the words : — and Connecticut rivers, — so as to

read as follows :— *Section 81.* During November and December any person may, for the purpose of taking shiners for bait, draw a net or seine at any point in the Merrimac and Connecticut rivers except within four hundred yards of any fishway ; and if any other fish so caught are immediately returned alive to the waters from which they were taken, the penalties prescribed in sections forty-six, forty-seven, forty-nine, seventy-eight and seventy-nine shall not apply to the taking of such fish.

Taking of shiners in Merrimac and Connecticut rivers permitted during certain months.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT TO RATIFY THE LOCATIONS OF STATE HIGHWAYS HERETOFORE LAID OUT BY THE MASSACHUSETTS HIGHWAY COMMISSION.

Chap.117

Be it enacted, etc., as follows :

SECTION 1. The location and laying out of all state highways heretofore laid out by the Massachusetts highway commission in behalf of the Commonwealth are hereby legalized and confirmed, notwithstanding any failure to file a description and plan thereof for record in the registry of deeds for the county or district in which the land lies, within sixty days after the passage of the order of said commission laying out any such highway, as is required by section ninety-seven of chapter forty-eight of the Revised Laws.

Location, etc., of certain state highways confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT RELATIVE TO FISHERIES IN THE WATERS OF PLEASANT BAY AND ITS TRIBUTARIES IN THE TOWN OF ORLEANS.

Chap.118

Be it enacted, etc., as follows :

SECTION 1. No purse or sweep seines, set nets or gill nets, for the taking of fish shall be set, drawn, used or maintained in the waters of Pleasant bay or its tributaries in the town of Orleans ; but nothing herein contained shall be construed to forbid or make unlawful the maintaining of traps, pounds or weirs under licenses granted in accordance with section one hundred and sixteen of chapter ninety-one of the Revised Laws.

Taking of fish from Pleasant bay, etc., in Orleans restricted.

SECTION 2. Any person who shall set, draw, use or maintain a purse or sweep seine, set net or gill net in violation of this act shall be punished by a fine of not less

Penalty.

than one hundred nor more than five hundred dollars, or by imprisonment for a term not exceeding six months.

Repeal.

SECTION 3. Chapter one hundred and sixty-three of the acts of the year nineteen hundred and one is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap. 119

AN ACT RELATIVE TO INQUESTS.

Be it enacted, etc., as follows :

R. L. 24, § 11,
amended.

SECTION 1. Section eleven of chapter twenty-four of the Revised Laws is hereby amended by inserting after the word "railroad", in the seventh line, the words: — or street railway, — and by striking out the words "or an inquest in case of death by accident upon a street railway", in the eighth and ninth lines, so as to read as follows: —

Holding of
inquests in
certain cases
of death.

Section 11. The court or trial justice shall thereupon hold an inquest, from which all persons not required by law to be present may be excluded, and the witnesses may be kept separate, so that they cannot converse with each other until they have been examined. The district attorney, or some person designated by him, may attend the inquest and examine the witnesses. An inquest shall be held in all cases of death by accident upon a railroad or street railway, and the court or justice holding such inquest shall give reasonable notice of the time and place thereof to the board of railroad commissioners. The attorney-general or the district attorney may direct an inquest to be held in the case of death by any casualty.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap. 120

AN ACT TO PROVIDE THAT NO PART OF THE FINES IMPOSED IN PROSECUTIONS FOR VIOLATION OF LAWS RELATING TO OBSCENE LITERATURE, PRINTS, PICTURES AND CERTAIN OTHER OBSCENE, INDECENT OR IMPURE THINGS SHALL BE PAID TO THE COMPLAINANT.

Be it enacted, etc., as follows :

R. L. 212, § 20,
amended.

SECTION 1. Section twenty of chapter two hundred and twelve of the Revised Laws is hereby amended by striking out the words "one half of which shall be paid to the complainant", at the end of said section.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT TO EXTEND THE CHARTER OF THE NAHANT LAND COMPANY. *Chap.121*

Be it enacted, etc., as follows :

SECTION 1. The Nahant Land Company shall be and remain a corporation for a further term of fifteen years after the expiration of its charter as extended by the provisions of chapter sixty-six of the acts of the year eighteen hundred and eighty-eight ; and shall during such further term have the powers and privileges and be subject to the duties, liabilities and restrictions set forth in its charter and in all general laws now or hereafter in force relating to such corporations.

Charter of
Nahant Land
Company
extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT TO ABOLISH CERTAIN FEES BASED ON PROSECUTIONS FOR VIOLATIONS OF THE LIQUOR LAWS. *Chap.122*

Be it enacted, etc., as follows :

SECTION 1. Section eighty-six of chapter one hundred of the Revised Laws is hereby amended by striking out the last sentence of said section, so as to read as follows :

R. L. 100, § 86,
amended.

— *Section 86.* A mayor, alderman, selectman, deputy sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant marshal, police officer or constable, in his city or town, may without a warrant arrest any person whom he finds in the act of illegally selling, transporting, distributing or delivering intoxicating liquor, and seize the liquor, vessels and implements of sale in the possession of such person, and detain them until warrants can be procured against such person, and for the seizure of said liquor, vessels and implements, under the provisions of this chapter. Such officers shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of which they can obtain reasonable proof of any law relative to the sale of intoxicating liquor.

Arrest for
violation of
liquor laws
may be made
without a
warrant in
certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap.123 AN ACT TO AUTHORIZE THE INCREASE OF THE FUND FOR THE SUPPORT OF A CONGREGATIONAL MINISTER IN THE FIRST CONGREGATIONAL PARISH AND RELIGIOUS SOCIETY IN THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows :

1886, 50, § 2,
amended.

SECTION 1. Section two of chapter fifty of the acts of the year eighteen hundred and sixty-six, being "An Act in addition to an act to incorporate certain persons as trustees of a fund for the support of a Congregational Minister in the town of Shrewsbury", is hereby amended by striking out the word "twenty", in the second line, and inserting in place thereof the word : — thirty, — so as to read as follows : — *Section 2.* The said trustees shall have power to increase the principal of said fund to the sum of thirty thousand dollars.

Trustees may
increase fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap.124 AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO CONSTRUCT A DRAWLESS BRIDGE OVER SACHEM BROOK, SO-CALLED, IN THE QUINCY SHORE RESERVATION.

Be it enacted, etc., as follows :

Bridge to be
constructed
over Sachem
brook, Quincy.

SECTION 1. The metropolitan park commission is hereby authorized to construct a drawless bridge over that part of Sachem brook, so-called, in Quincy, lying within the lands acquired by said commission by takings or otherwise for Quincy shore reservation.

Plan to be
approved by
harbor and
land com-
missioners.

SECTION 2. No action shall be taken relative to the construction of said bridge until the plan therefor has been approved by the board of harbor and land commissioners.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1904.

Chap.125 AN ACT TO PERMIT CITIES AND TOWNS TO PAY A PART OF THE EXPENSE OF CONSTRUCTING STATE HIGHWAYS WITHIN THEIR LIMITS.

Be it enacted, etc., as follows :

Cities and
towns may pay
a part of
expense of
constructing

SECTION 1. The mayor of a city, if so authorized by a vote of the city council or, in a city having no common council, by a vote of the board of aldermen, or the select-

men of a town, if so authorized by a vote of the town, may agree in writing, in behalf of such city or town, to contribute money, labor or materials toward the cost of any state highway which the Massachusetts highway commission proposes to lay out and construct within the limits of such city or town. state highways.

SECTION 2. All agreements or other writings by which heretofore the mayor of a city or the selectmen of a town have agreed, in behalf of such city or town, to contribute money, labor or materials toward the cost of state highways, are hereby ratified and confirmed. Certain agreements, etc., ratified, etc.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1904.

AN ACT TO AUTHORIZE THE TOWN OF HOLBROOK TO MAKE AN ADDITIONAL WATER LOAN. Chap.126

Be it enacted, etc., as follows :

SECTION 1. The town of Holbrook, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue bonds, notes or scrip from time to time, to be denominated on the face thereof, Holbrook Water Loan, to an amount not exceeding five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the powers specified in said chapter for the issue of the Holbrook water loan : *provided*, that the whole amount of bonds, notes or scrip issued under the authority of this act, and heretofore issued by said town for the same purposes, shall not exceed one hundred and forty thousand dollars. Holbrook Water Loan.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1904.

AN ACT RELATIVE TO PROTECTING DOMESTIC ANIMALS FROM INJURY BY DOGS. Chap.127

Be it enacted, etc., as follows :

Chapter two hundred and twenty-six of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "sheep", in the fourth line and in the tenth line, the words : — lambs, fowls or other 1902, 226, amended.

Protection of
domestic
animals from
injury by dogs.

domestic animals, — so as to read as follows: — It shall be lawful for the county commissioners of any county, or their agents thereto authorized in writing, to enter upon the premises of the owner of any dog known to them to have worried or killed sheep, lambs, fowls or other domestic animals, and then and there to kill such dog, unless such owner whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, to be approved by the county commissioners, the condition of the bond being that the dog shall refrain from killing or worrying sheep, lambs, fowls or other domestic animals for the space of twelve months next ensuing. And if the owner of the dog declares his intention to give such a bond the said county commissioners or their agents shall allow him reasonable time in which to procure and prepare the same and to present it to them, or to file it with the clerk of the city or town in which the said owner resides.

Approved March 2, 1904.

Chap. 128 AN ACT TO INCREASE THE POWERS OF THE BOARD OF MINISTERIAL AID.

Be it enacted, etc., as follows:

1860, 33, § 3,
amended.

SECTION 1. Section three of chapter thirty-three of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out all after the word “Commonwealth”, in the twelfth line, and inserting in place thereof the words: — and of aged, disabled, superannuated or needy ministers of said denomination who have served as pastors in the Commonwealth; also for and to the aid, support and comfort of the widows and children of such ministers, — so as to read as follows: — *Section 3.* The said corporation is authorized and empowered to receive, accept, take and hold all such funds, estate or property, as may in any manner be given, bequeathed or devised to it, and the same to invest in such manner as it may deem most expedient, and from time to time use and appropriate such portions of the income thereof, and where there is nothing in the terms of the gift or grant thereof restraining the same, such portions of the principal thereof, as it may deem expedient, for and to the aid, support or comfort of aged, disabled, superannuated or needy ministers of the Orthodox Congregational denomination in the Commonwealth, and of aged, disabled, superannuated or needy

The Board of
Ministerial Aid
may hold
property and
use income,
etc., for sup-
port of certain
needy min-
isters, etc.

ministers of said denomination who have served as pastors in the Commonwealth; also for and to the aid, support and comfort of the widows and children of such ministers.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1904.

AN ACT RELATIVE TO THE PAYMENT OF SEWER ASSESSMENTS IN THE TOWN OF ARLINGTON.

Chap. 129

Be it enacted, etc., as follows:

SECTION 1. All sewer assessments or charges payable now or hereafter under the provisions of chapter two hundred and eighty-two of the acts of the year eighteen hundred and ninety-six shall be paid to the collector of taxes of the town of Arlington, who shall have the same power of enforcing payment as the town treasurer has heretofore had, and he shall pay the same over to the town treasurer, in the same manner as he is now required to pay over moneys received from taxes. The treasurer shall give the collector a copy of every certificate filed under the provisions of said chapter, and the written demand for payment shall be made by the collector.

Payment of
sewer assess-
ments in
Arlington.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1904.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 130

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Soldiers' Home in Massachusetts are hereby authorized to hold, manage and convey real and personal estate to the amount of one hundred thousand dollars, in addition to the amount of two hundred thousand dollars authorized by chapter thirty-two of the acts of the year eighteen hundred and eighty-six.

The Trustees
of the Soldiers'
Home may
hold additional
estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1904.

AN ACT TO AUTHORIZE THE SOUTH DEERFIELD WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 131

Be it enacted, etc., as follows:

SECTION 1. The South Deerfield Water Supply District, for the purposes mentioned in chapter four hundred and eighty-six of the acts of the year nineteen hundred

South Deerfield
Water Supply
District Loan,
Act of 1904.

and two, may issue bonds, notes or scrip, signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners, to be denominated on the face thereof, South Deerfield Water Supply District Loan, Act of 1904, to an amount not exceeding twenty thousand dollars in addition to the amount heretofore authorized to be issued by said district for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions, and with the same powers on the part of the said district, as are specified in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1904.

Chap.132 AN ACT TO AUTHORIZE THE ARREST WITHOUT WARRANT OF PERSONS UNLAWFULLY FISHING IN PALMER'S RIVER.

Be it enacted, etc., as follows:

Persons unlawfully fishing in Palmer's river may be arrested without a warrant, etc.

SECTION 1. The sheriff of the county of Bristol or any of his deputies, or any constable or fish warden of either of the towns of Swansea and Rehoboth, may without a warrant arrest any person whom he finds in the act of taking herring, alewives or shad from the waters of Palmer's river in either of said towns in violation of the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and thirty-six, or of chapter ninety-two of the acts of the year eighteen hundred and fifty-two, and may detain such person in a place of safe keeping until a warrant can be procured upon a complaint against him for said offence: *provided*, that the detention without a warrant shall not exceed twenty-four hours.

Proviso.

Penalty.

SECTION 2. Whoever violates the provisions of either of said chapters shall, in addition to the forfeitures therein provided, forfeit the seines or nets used in such unlawful taking of herring, alewives or shad.

Approved March 5, 1904.

Chap.133 AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Town of Concord may issue notes, bonds or scrip, etc.

SECTION 1. The town of Concord, for the purposes mentioned in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, and

acts in amendment thereof or in addition thereto, may from time to time borrow money and issue notes, bonds or scrip therefor to an amount not exceeding one hundred thousand dollars, in addition to the amount already authorized by law, in the manner and under the restrictions specified in said chapter, except that the rate of interest on the notes, bonds or scrip hereby authorized to be issued shall not exceed four per cent per annum, payable semi-annually.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Chap. 134

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

Appropriations.

For the compensation of the commissioners on fisheries and game, a sum not exceeding fifty-six hundred and thirty dollars.

Commissioners on fisheries and game.

For travelling and other necessary expenses of the commissioners on fisheries and game, including the printing and binding of the annual report, a sum not exceeding two thousand and fifty dollars.

Expenses.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding seven hundred and eighty dollars.

Clerical services.

For the enforcement of laws relating to fisheries and game and the propagation and distribution of fish, birds and other animals, and for running expenses, rent and maintenance of hatcheries, a sum not exceeding twenty thousand eight hundred and seventy-five dollars.

Enforcement of laws, propagation of fish, etc.

For expense of stocking great ponds with food fish, a sum not exceeding five hundred dollars.

Stocking great ponds.

For expense of stocking brooks with food fish, a sum not exceeding three hundred dollars.

Stocking brooks.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

Chap.135 AN ACT MAKING AN APPROPRIATION FOR A DEFICIENCY IN THE APPROPRIATION FOR THE EXTERMINATION OF CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS IN THE YEAR NINETEEN HUNDRED AND THREE.

Be it enacted, etc., as follows :

Extermination
of contagious
diseases
among
animals.

SECTION 1. The sum of ninety-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet certain expenses in connection with the extermination of contagious diseases among horses, cattle and other animals in the year nineteen hundred and three.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

Chap.136 AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND THREE.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and three, to wit : —

Tuition of
certain
children.

For payment of the tuition of children in high schools outside of the town in which they reside, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, the sum of ninety-one hundred fifty dollars and fourteen cents.

Education of
deaf pupils.

For the education of deaf pupils of the Commonwealth in the schools designated by law, the sum of seventy-three hundred twenty-nine dollars and twenty-eight cents.

State normal
school at
Westfield.

For completing and furnishing the new dormitory building at the state normal school at Westfield, the sum of eight hundred ninety-five dollars and three cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND THREE.

Chap. 137

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and three, to wit :—

Appropriations.

For printing and binding the series of public documents, the sum of twenty-two hundred thirty-one dollars and twenty-two cents.

Public document series.

For certain printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, the sum of thirty-eight hundred thirty dollars and ninety-one cents.

Senate and house printing, etc.

For registration books and blanks, indexing returns and editing registration report, the sum of ninety-four dollars and eighty-three cents.

Registration books, etc.

For incidental and contingent expenses in the department of the secretary of the Commonwealth, the sum of one hundred fifty-five dollars and forty-four cents.

Secretary of the Commonwealth, incidental expenses, etc.

For contingent expenses in the office of the railroad commissioners, the sum of nine hundred sixty-eight dollars and six cents.

Railroad commissioners, contingent expenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MILITARY EXPENSES IN EXCESS OF APPROPRIATIONS FOR THE YEAR NINETEEN HUNDRED AND THREE.

Chap. 138

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain military expenses in excess of the appropriations therefor in the year nineteen hundred and three, to wit :—

Appropriations.

For quartermasters' supplies, the sum of nineteen hundred eighty-four dollars and fifty-four cents.

Quartermasters' supplies.

For incidental and contingent expenses in the quartermaster general's department, the sum of fifteen hundred twenty-eight dollars and fifty-seven cents.

Quartermaster general's department, expenses.

Clothing. For allowance and repair of clothing of the volunteer militia, the sum of one hundred and thirty-three dollars.

Military accounts. For expenses in connection with military accounts not otherwise provided for, the sum of five hundred twenty-eight dollars and thirty-seven cents.

Militia, compensation. For compensation of officers and men of the volunteer militia, the sum of six hundred forty-eight dollars and fifty-three cents.

Rifle practice. For expenses in connection with the rifle practice of the volunteer militia, the sum of nineteen hundred thirty-nine dollars and thirty-nine cents.

Care, etc., of armories. For heating, lighting, furnishing and caring for the armories erected in certain cities of the Commonwealth for the use of the volunteer militia, the sum of eighteen hundred fifty-four dollars and fifteen cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

Chap.139 AN ACT TO CHANGE THE NAME OF THE WORCESTER SAFE DEPOSIT AND TRUST COMPANY.

Be it enacted, etc., as follows :

Name changed. SECTION 1. The name of the Worcester Safe Deposit and Trust Company is hereby changed to Worcester Trust Company.

When to take effect. SECTION 2. This act shall take effect when accepted by the holders of a majority of the stock of the company at a meeting called for that purpose.

Approved March 5, 1904.

Chap.140 AN ACT TO AUTHORIZE THE NEW ENGLAND TRUST COMPANY TO HOLD REAL ESTATE.

Be it enacted, etc., as follows :

The New England Trust Company may hold real estate. SECTION 1. The New England Trust Company, incorporated by chapter one hundred and eighty-two of the acts of the year eighteen hundred and sixty-nine, is hereby authorized to invest its surplus, to an amount not exceeding fifteen hundred thousand dollars, in real estate in the city of Boston suitable for the transaction of its business.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1904.

AN ACT RELATIVE TO THE APPOINTMENT OF ELECTION OFFICERS IN *Chap. 141*
THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Medford shall, with the approval of the aldermen, in August, or as soon thereafter as possible, in the year nineteen hundred and four, and in August, or as soon thereafter as possible, in the year nineteen hundred and five, appoint election officers to the number required by law, in each of the several voting precincts of said city as defined previous to the adoption of its revised charter, to serve for all elections to be held for national or state purposes.

City of Medford, appointment of election officers for state elections.

SECTION 2. At the times of the appointment of election officers as provided in section one of this act, and subject to the same approval, the mayor shall appoint election officers to the number required by law, in each of the voting precincts of said city as now defined under the authority of the revised charter of the said city, to serve for all elections to be held for municipal purposes.

Appointment of election officers for municipal elections.

SECTION 3. The provisions of the Revised Laws and any amendments thereto, applicable to election officers, except where inconsistent herewith, shall apply to all officers appointed under the authority of this act.

Certain provisions of law to apply.

SECTION 4. All caucuses or elections which may be held in the city of Medford for national or state purposes previous to the date at which the next redivision of the representative districts of the state shall take effect shall be held in accordance with the wards or precincts of the city as they existed prior to the adoption of the revised charter of the city; and all caucuses or elections which may be held for municipal purposes prior to the aforesaid date shall be held in accordance with the wards as defined by the authority of section fifty-seven of said revised charter.

Holding of caucuses and elections.

SECTION 5. The authority granted by this act shall be limited to and shall not extend beyond the time authorized by law at which the next redivision of the representative districts of the state shall take effect.

Authority limited.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved March 9, 1904.

Chap. 142 AN ACT RELATIVE TO THE INVESTIGATION OF DAMAGES ALLEGED TO
HAVE BEEN DONE BY DOGS.

Be it enacted, etc., as follows :

R. L. 103, § 155,
amended.

Appointment
of person to
investigate
damages done
by dogs, etc.

SECTION 1. Section one hundred and fifty-five of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "request", in the third line, the words : — of said commissioners or, — and by inserting after the word "such", in the sixth line, the word : — commissioners, — so as to read as follows : —

Section 155. The county commissioners, except in the county of Suffolk, shall appoint a suitable person residing in the county who shall, at the request of said commissioners, or of the chairman of the selectmen of a town or officer of the police designated as provided in section one hundred and fifty-one, investigate any case of damages done by a dog of which such commissioners, chairman or officer shall have been informed as provided in said section, and if he believes that the evidence is sufficient to sustain an action against the owner or keeper of a dog as provided in section one hundred and sixty-two and believes that such owner or keeper is able to satisfy any judgment which may be recovered in such action, he shall, unless such owner or keeper before action brought pays him such amount in settlement of such damages as he deems reasonable, bring such action. It may be brought in his own name and in the county in which he resides, and he shall prosecute it. All awards received or recovered by him in such actions shall be paid over to the county treasurer and placed to the credit of the dog fund. The county treasurer shall pay out of the dog fund such reasonable compensation as the county commissioners shall allow to such person for his services and necessary expenses and the reasonable expense of prosecuting such actions. The person appointed may be removed at any time by the county commissioners, and in counties in which he is appointed, the county treasurer shall not be authorized to bring such actions.

Compensation,
removal,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1904.

AN ACT RELATIVE TO THE EXTENSION OF THE PROVISIONS OF THE
CIVIL SERVICE ACT TO THE TOWN OF MILTON.

Chap.143

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter one hundred and two of the acts of the year nineteen hundred and three is hereby amended by striking out the words "by ballot", in the third line; and by striking out the word "two", in the fourth line, and inserting in place thereof the word : — three, — so as to read as follows : — *Section 3.* This act shall take effect upon its acceptance by a majority vote of the voters of said town present and voting thereon at a town meeting duly called for the purpose within three years after its passage; but only one such meeting shall be called.

1903, 102, § 3,
amended.

When to
take effect.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1904.

AN ACT RELATIVE TO THE SITTING OF THE SUPERIOR COURT FOR
CRIMINAL BUSINESS IN THE COUNTY OF HAMPDEN.

Chap.144

Be it enacted, etc., as follows :

SECTION 1. The sitting of the superior court now held on the fourth Monday of September, within and for the county of Hampden, for criminal business, shall hereafter be held on the second Monday of September.

Sitting of
superior court,
county of
Hampden.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF STENOGRAPHERS FOR
TEMPORARY SERVICE IN THE SUPERIOR COURT FOR THE COUNTY OF
SUFFOLK IN CERTAIN CASES.

Chap.145

Be it enacted, etc., as follows :

SECTION 1. Section eighty-one of chapter one hundred and sixty-five of the Revised Laws is hereby amended by striking out the words "except in the county of Suffolk", in the sixth line, so as to read as follows : — *Section 81.* Each stenographer who is appointed for the county of Suffolk under the provisions of the preceding section may, with the approval of any justice of said court, appoint one or more assistants, who shall also be sworn; but no additional compensation shall be paid or expense incurred by reason of such appointment. The presiding justice of said

R. L. 165, § 81,
amended.

Assistant
stenographers
for superior
court, county
of Suffolk,
appointment,
etc.

court may, in case of the illness or temporary absence of the stenographer, appoint a competent person to act during such illness or absence.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap.146 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF DOVER AND WALPOLE.

Be it enacted, etc., as follows :

Boundary line
between Dover
and Walpole
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Dover and Walpole : — Beginning at the corner of the towns of Dover, Medfield and Walpole, marked by a granite monument lettered D M, M, W and W D, standing on the southerly side of the highway known as County street in Dover and Main street in Medfield, at a point opposite the house of P. J. Connor, in latitude forty-two degrees, twelve minutes, one and ninety-five hundredths seconds, and longitude seventy-one degrees, sixteen minutes, twelve and twenty-one hundredths seconds ; thence easterly on the southerly side line of said highway as laid out by the county commissioners of the county of Norfolk, February twenty-seven, nineteen hundred, about three thousand four hundred and seventy-six feet to a point opposite a granite monument lettered D W, standing in the northerly side line of said highway in latitude forty-two degrees, twelve minutes, fourteen and eighty-five hundredths seconds and longitude seventy-one degrees, fifteen minutes, thirty-one and thirty-two hundredths seconds ; thence northerly sixty feet to said monument lettered D W ; thence easterly in the northerly side line of said highway about one thousand nine hundred and fifty feet to the point where it is intersected by the boundary line between the towns of Dover and Westwood prolonged southerly, said point being about twenty-six feet south, fourteen degrees, forty-two minutes west, from a granite monument marked D, D, W, standing about one hundred and fifty feet west of the house of M. W. Fisher, and in latitude forty-two degrees, twelve minutes, nine and ninety-eight hundredths seconds and longitude seventy-one degrees, fifteen minutes, six and seventy-two hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS *Chap.147*
OF BOXFORD AND NORTH ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Boxford and North Andover: — Beginning at the present corner of the towns of Boxford, Middleton and North Andover, at a granite monument marked A B M, in latitude forty-two degrees, thirty-eight minutes, thirty and twelve hundredths seconds and longitude seventy-one degrees, one minute, twenty-two and twelve hundredths seconds; thence north twenty-three degrees, twenty-four minutes west, true bearing, twelve thousand three hundred and thirty-one feet to a granite monument marked A B, in latitude forty-two degrees, forty minutes, twenty-one and ninety hundredths seconds and longitude seventy-one degrees, two minutes, twenty-seven and sixty-seven hundredths seconds; thence north thirty-eight degrees, forty-four minutes west, true bearing, twenty-nine thousand two hundred and fifty-one feet to the present corner of the city of Haverhill and the towns of Boxford and North Andover, at an unmarked granite monument, in latitude forty-two degrees, forty-four minutes, seven and twenty-four hundredths seconds and longitude seventy-one degrees, six minutes, thirty-two and eighty-eight hundredths seconds.

Boundary line
between Box-
ford and North
Andover
established.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS *Chap.148*
OF ROWLEY AND BOXFORD.

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Rowley and Boxford: — Beginning at the present corner of the towns of Boxford, Ipswich and Rowley, at a granite monument lettered B I R, in latitude forty-two degrees, forty minutes, fifty and sixty-four hundredths seconds and longitude seventy degrees, fifty-six minutes, fifty-six and seventy-five hundredths seconds; thence north fifty-six degrees, eight minutes west, true bearing, eight thousand nine hundred and ninety-four feet to the present corner

Boundary line
between
Rowley and
Boxford
established.

of the towns of Boxford, Georgetown and Rowley, at a granite monument lettered B G R, in latitude forty-two degrees, forty-one minutes, forty and fourteen hundredths seconds, and longitude seventy degrees, fifty-eight minutes, thirty-six and seventy-five hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap.149 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF NORTH ANDOVER AND NORTH READING.

Be it enacted, etc., as follows:

Boundary line between North Andover and North Reading established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of North Andover and North Reading:—Beginning at the present corner of the towns of Middleton, North Andover and North Reading, at a granite monument lettered A M R, in latitude forty-two degrees, thirty-six minutes, thirty-two and nine tenths seconds, and longitude seventy-one degrees, three minutes, thirty-three and thirty-six hundredths seconds; thence south sixty-eight degrees, fifty-nine minutes west, true bearing, five thousand and nineteen feet, to the present corner of the towns of Andover, North Andover and North Reading at a granite monument lettered A R on the summit of Osgood's Hill in latitude forty-two degrees, thirty-six minutes, fifteen and eleven hundredths seconds and longitude seventy-one degrees, four minutes, thirty-six seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap.150 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HAMILTON AND IPSWICH.

Be it enacted, etc., as follows:

Boundary line between Hamilton and Ipswich established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Hamilton and Ipswich:—Beginning at the corner of the towns of Essex, Hamilton and Ipswich at a granite monument lettered E H I, in latitude forty-two degrees, thirty-eight minutes, twenty-eight and ninety-two hundredths seconds and longitude seventy degrees, forty-nine minutes, two and seventy-five hundredths seconds; thence north seventy-four degrees, four minutes west, true bearing, one thou-

sand three hundred and fifty-one feet to the easterly side line of Candlewood road, at a point opposite and about five feet easterly from a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, thirty-two and fifty-nine hundredths seconds and longitude seventy degrees, forty-nine minutes, twenty and two tenths seconds; thence southerly along the easterly side line of the road, one thousand six hundred feet; thence westerly about seventy feet, crossing the road on a line at right angles thereto, to a point in the westerly side line of the road; thence southerly along the westerly side line of the road, about one thousand six hundred feet to a point opposite and about four feet westerly from a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, three and thirty-two hundredths seconds and longitude seventy degrees, forty-nine minutes, twenty-eight and seventy-four hundredths seconds; thence north fifty-five degrees, forty-two minutes west, true bearing, one thousand seven hundred and ninety-one feet to a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, thirteen and thirty-two hundredths seconds and longitude seventy degrees, forty-nine minutes, forty-eight and fifty-eight hundredths seconds; thence in the same direction about one thousand and fifteen feet to the middle of Miles river; thence down stream, along the centre line of the river, about one and six tenths miles to its junction with the centre line of Long Causeway brook; thence up the brook about one and one tenth miles to its head at the spring described in chapter five hundred and five of the acts of the year eighteen hundred and ninety-six; thence continuing about eight feet westerly to a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, thirty-three and eighty-one hundredths seconds and longitude seventy degrees, fifty-one minutes, twenty-four and thirty-one hundredths seconds; thence south forty-five degrees, fifty-five minutes west, true bearing, five hundred and fifteen feet, crossing the tracks of the eastern division of the Boston and Maine railroad, to a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, thirty and twenty-seven hundredths seconds and longitude seventy degrees, fifty-one minutes, twenty-nine and twenty-six hundredths seconds; thence north forty-two degrees, thirty-three minutes west, true bearing, two thousand two hundred and fifty feet to

Boundary line
between
Hamilton
and Ipswich
established.

Boundary line
between
Hamilton
and Ipswich
established.

a granite monument lettered H I, in latitude forty-two degrees, thirty-eight minutes, forty-six and sixty-four hundredths seconds and longitude seventy degrees, fifty-one minutes, forty-nine and sixty-two hundredths seconds; thence north eleven degrees, fifty-six minutes east, true bearing, two thousand eight hundred and sixty-four feet to a granite monument lettered H I, in latitude forty-two degrees, thirty-nine minutes, fourteen and thirty-two hundredths seconds and longitude seventy degrees, fifty-one minutes, forty-one and sixty-nine hundredths seconds, being the "old boundary stone on the road leading from Kents corner to the back side of Hamilton"; thence north fifteen degrees, twenty-five minutes east, true bearing, one thousand two hundred and twenty-nine feet to a granite monument lettered H I, in latitude forty-two degrees, thirty-nine minutes, twenty-six and two hundredths seconds and longitude seventy degrees, fifty-one minutes, thirty-seven and thirty-two hundredths seconds; thence in the same direction about one hundred and fifty feet to the middle of Ipswich river; thence westerly about two and seven tenths miles, along the centre line of the river, to the corner of the towns of Hamilton, Ipswich and Topsfield, at the mouth of Gravelly brook.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap. 151 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS
OF HAMILTON AND ESSEX.

Be it enacted, etc., as follows:

Boundary line
between
Hamilton
and Essex
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Hamilton and Essex: — Beginning at the corner of the towns of Essex, Hamilton and Ipswich at a granite monument lettered E H I, in latitude forty-two degrees, thirty-eight minutes, twenty-eight and ninety-two hundredths seconds and longitude seventy degrees, forty-nine minutes, two and seventy-five hundredths seconds; thence south seventy-four degrees, fifty-four minutes east, true bearing, one thousand and seventy-three feet to a granite monument lettered E H, in latitude forty-two degrees, thirty-eight minutes, twenty-six and sixteen hundredths seconds and longitude seventy degrees, forty-eight minutes, forty-eight and eighty-nine hundredths seconds; thence south six de-

grees east, true bearing, one thousand seven hundred and ninety-six feet to a granite monument lettered E H, in latitude forty-two degrees, thirty-eight minutes, eight and fifty-two hundredths seconds and longitude seventy degrees, forty-eight minutes, forty-six and thirty-eight hundredths seconds; thence south two degrees, ten minutes east, true bearing, three thousand seven hundred and sixty-three feet to a granite monument lettered E H, in latitude forty-two degrees, thirty-seven minutes, thirty-one and thirty-eight hundredths seconds and longitude seventy degrees, forty-eight minutes, forty-four and forty-eight hundredths seconds; thence south eighty-five degrees, one minute west, true bearing, one thousand eight hundred and thirty-one feet to a granite monument lettered E H, in latitude forty-two degrees, thirty-seven minutes, twenty-nine and eighty-one hundredths seconds and longitude seventy degrees, forty-nine minutes, eight and eighty-eight hundredths seconds; thence south no degrees, forty minutes east, true bearing, one thousand one hundred and fifty-eight feet to a point on the southerly side of Western avenue about two hundred and fifty feet westerly from J. G. Allen's dwelling, in latitude forty-two degrees, thirty-seven minutes, eighteen and thirty-seven hundredths seconds and longitude seventy degrees, forty-nine minutes, eight and seventy hundredths seconds; thence south thirty-one degrees, fifty-nine minutes east, true bearing, one thousand two hundred and sixty-eight feet to a granite monument lettered E H, standing at the foot of the railroad embankment on the northerly shore of Chebacco lake, in latitude forty-two degrees, thirty-seven minutes, seven and seventy-five hundredths seconds and longitude seventy degrees, forty-eight minutes, fifty-nine and seventy-two hundredths seconds; thence south twenty-three degrees, fourteen minutes east, true bearing, four thousand five hundred and twenty-three feet, crossing Chebacco lake and "Gregorys Island", to a point on a ledge near the southerly shore of the lake, in latitude forty-two degrees, thirty-six minutes, twenty-six and sixty-nine hundredths seconds and longitude seventy degrees, forty-eight minutes, thirty-five and eighty-six hundredths seconds; thence south forty-nine degrees, fifty-two minutes east, true bearing, three thousand and seventeen feet to a granite monument lettered E H, standing in woodland on "Burleys Point", in latitude forty-two degrees,

Boundary line
between
Hamilton
and Essex
established.

thirty-six minutes, seven and forty-eight hundredths seconds and longitude seventy degrees, forty-eight minutes, five and two hundredths seconds; thence south no degrees, twenty-two minutes east, true bearing, two thousand four hundred and thirty-two feet to the corner of the towns of Essex, Hamilton and Manchester, at a granite monument lettered E H M, in latitude forty-two degrees, thirty-five minutes, forty-three and forty-five hundredths seconds and longitude seventy degrees, forty-eight minutes, four and eighty-one hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap.152 AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR BAND CONCERTS.

Be it enacted, etc., as follows:

Towns may make appropriations for music.

SECTION 1. Any town may at its annual meeting, or at any special meeting called for the purpose during the year nineteen hundred and four, appropriate a sum not exceeding five hundred dollars to be expended in paying for public band concerts, or for music furnished for public celebrations.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

Chap.153 AN ACT TO AUTHORIZE COUNTIES, CITIES AND TOWNS TO ISSUE NON-INTEREST BEARING NOTES AT A DISCOUNT.

Be it enacted, etc., as follows:

Counties, cities and towns may issue non-interest bearing notes, etc.

SECTION 1. Notes of a county issued under the provisions of section thirty-nine of chapter twenty-one of the Revised Laws, and notes of a city or town issued under the provisions of section six or of section ten of chapter twenty-seven of the Revised Laws, may or may not bear interest. If they do not bear interest they may be sold at such discount as the maker or its treasurer or other officer authorized to sell the same deems proper.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1904.

AN ACT TO INCORPORATE THE EVENING LAW SCHOOL OF THE
BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION. Chap. 154

Be it enacted, etc., as follows :

SECTION 1. James R. Dunbar, James B. Ames, Samuel C. Bennett, D. Chauncey Brewer, Josiah H. Quincy, Francis B. Sears, George W. Mehaffey, and their successors, are hereby constituted a body corporate, by the name of the Evening Law School of the Boston Young Men's Christian Association, for the purpose hereinafter named ; and they and such persons as shall become members of said corporation shall be and remain a body corporate forever. Said body shall consist of seven members only, and shall have power to fill vacancies within itself: *provided, however,* that four of said members shall always be members of the board of directors of the Boston Young Men's Christian Association, and shall cease to be members of said body corporate upon ceasing to be members of said board of directors. Four of said members shall be members of the bar ; and all persons proposed as members of said body shall be approved by the board of directors of the Boston Young Men's Christian Association before election thereto.

Evening
Law School
of the Boston
Young Men's
Christian
Association
Incorporated.

Proviso.

SECTION 2. The purpose of the said corporation shall be to furnish instruction in law, and for the accomplishment of this purpose it may appoint such teachers and lecturers and adopt such form of organization, by-laws, regulations and methods of administration as it deems advisable.

Purpose of
corporation.

SECTION 3. The course of instruction furnished by the corporation shall occupy not less than four years, and to students properly accredited and recommended by a majority of the faculty of said law school the corporation may grant the degree of bachelor of laws.

Instruction,
etc.

SECTION 4. The Boston Young Men's Christian Association shall provide the said corporation with suitable rooms and a library, shall pay all expenses of maintaining the said corporation, shall have sole management of its financial affairs, and shall be entitled to all its income.

Management
of financial
affairs, etc.

SECTION 5. This act shall take effect upon its acceptance by the board of directors of the Boston Young Men's Christian Association, and said association and said board are hereby authorized to do all things set forth or referred to in this act to be done by it or them.

When to
take effect.

Approved March 14, 1904.

Chap. 155**AN ACT RELATIVE TO ASSESSMENT INSURANCE.***Be it enacted, etc., as follows:*

Certain corporations may carry on the business of assessment insurance, etc.

SECTION 1. Any domestic corporation now doing business under the provisions of chapter one hundred and nineteen of the Revised Laws and acts amendatory thereof, whether originally incorporated under such act or not, which limits its certificate holders to a particular order or fraternity, may at any time within seven years after the date of the approval of this act, at a meeting called for the purpose, adopt its provisions, and may thereafter carry on the business defined in section one of chapter one hundred and twenty of the Revised Laws, and may, in addition thereto, provide for the payment of funeral benefits, not exceeding one hundred dollars, in case of the death of the assured by sickness, and shall thereafter conduct such business under the provisions of said chapter one hundred and twenty, as modified by this act, and shall be deemed an assessment insurance company.

Existing business not affected, etc.

SECTION 2. Such vote and adoption shall not in any way affect the existing business of such adopting company, nor prevent its continuance, nor annul or cancel the membership of such company, nor annul, cancel, modify or affect in any way its policies or certificates of insurance, but all certificates in force and outstanding when the provisions of this act are adopted by any such company shall continue in full force and effect in all their provisions, agreements and undertakings as the contracts, policies and certificates of such adopting company. Such policies or certificates shall be construed according to the provisions of law under which they were issued, and any defenses or evidence relative to such policies open under such provisions shall constitute a defense and shall be received as evidence in any controversy between the parties to or interested in said policies or certificates.

Beneficiaries may be substituted in certain cases, etc.

SECTION 3. If a benefit certificate has been lawfully issued and the beneficiary named therein shall have died, the member, with the consent of the officers of the company, and under such rules as they may prescribe, may have any other person having an insurable interest and permitted by the by-laws, substituted as beneficiary therein. Said company may by by-law provide that should a member become entitled to a benefit before he shall have paid

a benefit assessment the company may, as a condition precedent to the payment of the benefit, require such member to pay the amount of one such assessment. Standing committees or boards having prescribed duties under the by-laws, including those the members of which are by such by-laws made directors or other officers corresponding thereto, may be constituted by the election of one or more members thereof annually, to serve for not more than three years under any one election. No person shall be elected or appointed to an administrative position for more than three years at any one election or appointment.

Standing committees, how constituted in certain cases, etc.

Term of office limited.

SECTION 4. Any company adopting the provisions of this act shall file in the office of the secretary of the Commonwealth a copy of the vote of adoption, certified by its clerk or recording officer, within thirty days after the final adjournment of the meeting at which the vote was passed, and thereafter such company shall be subject to the provisions of chapter one hundred and twenty and its amendments, except as otherwise provided in this act.

Certificate to be filed with secretary of the Commonwealth, etc.

SECTION 5. No amendments hereafter made to any fraternal or assessment act shall apply to corporations or associations doing business under the provisions of this act, unless such amendments are specifically made applicable thereto.

Certain amendments hereafter made not to apply.

Approved March 14, 1904.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS, AND FOR CERTAIN EXPENDITURES BY THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS.

Chap. 156

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Appropriations.

For the payment of salaries and wages at the Lyman school for boys, a sum not exceeding thirty-two thousand four hundred and sixty-six dollars.

Lyman school for boys, salaries, etc.

For other current expenses at the said school, a sum not exceeding forty-nine thousand five hundred dollars.

Expenses.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding nine thousand dollars.

Agents.

Boarding out
children.

For expenses in connection with boarding out children by the trustees of the Lyman and industrial schools, a sum not exceeding five thousand dollars.

Instruction in
public schools.

For instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1904.

Chap.157 AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO ESTABLISH
A PUBLIC GYMNASIUM.

Be it enacted, etc., as follows:

Town of
Brookline may
establish a
public gym-
nasium, etc.

SECTION 1. The town of Brookline may establish a public gymnasium and may appropriate money therefor.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1904.

Chap.158 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO MAKE A SPECIAL
BRIDGE LOAN.

Be it enacted, etc., as follows:

Cambridge
Bridge Special
Loan.

SECTION 1. The city of Cambridge may issue scrip or bonds in excess of the limit allowed by law to an amount not exceeding thirty thousand dollars, and to be designated on the face thereof, Cambridge Bridge Special Loan. Such scrip or bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be payable at such time, not exceeding thirty years from the date thereof, as shall be determined by the city by vote of its city council, and as shall be expressed on the face of such scrip or bonds. The proceeds of said loan shall be used in payment of the amount of expenses imposed upon the city of Cambridge under the provisions of chapter one hundred and five of the resolves of the year nineteen hundred and one, being "A Resolve to provide for the appointment of a committee to consider the advisability of constructing a dam across the Charles river between the cities of Boston and Cambridge." The city may sell such scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the above purpose, but they shall not be sold or pledged for less than the par value thereof.

SECTION 2. The provisions of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the loan herein authorized.

Certain provisions of law to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1904.

AN ACT RELATIVE TO THE MAINTENANCE OF BASTARD CHILDREN.

Chap. 159

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter eighty-two of the Revised Laws is hereby amended by inserting before the word "police", in the third line, the words: — justice of a, — by striking out before the word "court", in the fifth, ninth and tenth lines, respectively, the word "the", and inserting in place thereof the words: — such justice of a, — and by striking out after the word "before", in the twelfth line, the words "the same or", and before the word "court", in the same line, the word "other", — so as to read as follows: — *Section 1.* Upon complaint of a woman who has been delivered of a bastard child, or who is pregnant with a child, which, if born alive, may be a bastard, to a justice of a police, district or municipal court, to a clerk thereof or to a trial justice, against the man whom she accuses of being the father of the child, such justice of a court, clerk or trial justice shall take her accusation and examination, in writing under oath, relative to the person accused, the time when and place where the complainant was begotten with child, and such other circumstances as such justice of a court, clerk or trial justice considers necessary for the discovery of the truth of such accusation. Such justice of a court, clerk or trial justice may issue a warrant against the person accused, which may be returnable before any court or trial justice having jurisdiction thereof in the county. The warrant shall run throughout the Commonwealth, and any officer qualified to serve civil or criminal process in any county, to whom it is directed, may serve it and apprehend the defendant in any county.

R. L. 82, § 1, amended.

Complaints in bastardy cases.

Warrants.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1904.

Chap.160 AN ACT TO ENLARGE THE AUTHORITY OF CERTAIN PRECINCTS IN THE TOWN OF TEMPLETON TO ESTABLISH A PUBLIC LIGHTING PLANT.

Be it enacted, etc., as follows :

Part of town of Templeton may establish a public lighting plant.

That part of the territory of the town of Templeton which is included in the voting precincts numbered three and four as a district shall have the same authority to establish and maintain a plant for the manufacture or purchase and distribution of gas for lighting and heating purposes which it now has under chapter two hundred and seventy-two of the acts of the year eighteen hundred and ninety-eight for establishing and maintaining a plant for the manufacture or purchase and distribution of electricity ; and the terms, provisions and reservations of said chapter are hereby made applicable to the additional authority given by this act. *Approved March 19, 1904.*

Chap.161 AN ACT TO PROVIDE THAT HOSPITAL AMBULANCES SHALL HAVE THE RIGHT OF WAY IN PUBLIC HIGHWAYS.

Be it enacted, etc., as follows :

Hospital ambulances to have right of way in public highways.

SECTION 1. Hospital ambulances shall have the same right of way which fire engines or police patrol wagons now have in the streets of all cities and towns.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1904.

Chap.162 AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF ROWLEY AND IPSWICH.

Be it enacted, etc., as follows :

Part of boundary line between Rowley and Ipswich established.

SECTION 1. The following described line shall hereafter be in part the boundary line between the towns of Rowley and Ipswich : — Beginning at a point in the present line between the towns of Ipswich and Rowley at a granite monument lettered I R, standing about five hundred feet southwesterly of Hammond street in Rowley, in latitude forty-two degrees, forty-two minutes, forty-six and sixty-two hundredths seconds and longitude seventy degrees, fifty-two minutes, thirty-three and fifty-five hundredths seconds ; thence south sixty-five degrees, eight minutes east, true bearing, two thousand five hundred and nine feet, to a cedar post lettered I R, standing near the bank of

a brook in latitude forty-two degrees, forty-two minutes, thirty-six and twenty hundredths seconds and longitude seventy degrees, fifty-two minutes, three and six hundredths seconds; thence in the same direction about eight hundred feet to a point in the present boundary line in the centre of Rowley river.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1904.

AN ACT RELATIVE TO THE CUSTODY OF MINOR CHILDREN.

Chap. 163

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and forty-five of the Revised Laws, as amended by chapter four hundred and seventy-four of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "may", in the eleventh line, the words:—upon the consent in writing of the parents, or surviving parent,—and by inserting after the word "custody", in the twelfth line, the words:—and may so order,—so as to read as follows:—*Section 4.* The guardian of a minor, unless sooner discharged according to law, shall continue in office until the minor arrives at the age of twenty-one years, and he shall have the custody and tuition of his ward and the care and management of all his estate, except that the parents of the minor, jointly, if living, and in case of the death of either, the surviving parent, they being, respectively, competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education; but the probate court may, upon the consent in writing of the parents, or surviving parent, order that the guardian shall have such custody; and may so order if, upon a hearing and after such notice to the parents or surviving parent as it may order, it finds such parents or parent to be unfit to have such custody, or if it finds one of them unfit therefor, and the other files in such court his or her consent in writing to such order.

R. L. 145, § 4,
etc., amended.

Care and
custody of
minors.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1904.

Chap. 164

AN ACT RELATIVE TO DEFAULTS IN CRIMINAL CASES.

*Be it enacted, etc., as follows :*R. L. 217, § 35,
amended.Proceedings
in case of
default on
recognizance.

Section thirty-five of chapter two hundred and seventeen of the Revised Laws is hereby amended by striking out the words "his default shall be recorded, but", in the second line, and inserting in place thereof the words : — the court or justice may issue process to bring him into court for trial. The court or justice may at any time after his failure to appear according to the condition of his recognizance, order his default to be recorded ; but the default, — so as to read as follows : — *Section 35.* If the recognizer does not appear according to the condition of his recognizance, the court or justice may issue process to bring him into court for trial. The court or justice may at any time after his failure to appear according to the condition of his recognizance, order his default to be recorded ; but the default may be taken off for good cause at any time to which the case may be continued. If such default is not taken off, the recognizance shall be certified with a record of such default to the superior court, and like proceedings shall be had thereon as upon a breach of the condition of a recognizance for appearance before said superior court.

*Approved March 19, 1904.**Chap. 165*

AN ACT RELATIVE TO THE PAYMENT BY EXECUTORS AND ADMINISTRATORS OF DEMANDS AGAINST THE ESTATES OF DECEASED PERSONS.

*Be it enacted, etc., as follows :*R. L. 141, § 2,
amended.Payment of
debts due from
estates of
deceased
persons.

Section two of chapter one hundred and forty-one of the Revised Laws is hereby amended by adding at the end thereof the words : — and in case such executor or administrator shall be in doubt as to the validity of any debt which, if valid, he would have a right to pay under the provisions of this section, he may, with the approval of the probate court, after notice to all persons interested, pay such debt or so much thereof as the court may authorize, — so as to read as follows : — *Section 2.* If an executor or administrator who has given due notice of his appointment does not within one year thereafter have notice of demands against the estate of the deceased which authorize him to represent such estate to be insolvent, he may, after the expiration of said year, pay the debts due

from the estate and shall not be personally liable to any creditor in consequence of such payments made before notice of such creditor's demand; and in case such executor or administrator shall be in doubt as to the validity of any debt which, if valid, he would have a right to pay under the provisions of this section, he may, with the approval of the probate court, after notice to all persons interested, pay such debt or so much thereof as the court may authorize.

Approved March 19, 1904.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND THREE.

Chap. 166

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and three, to wit: —

Appropriations.

For current expenses at the Lyman school for boys, the sum of twenty-five hundred thirty-six dollars and sixty-eight cents.

Lyman school for boys.

For certain improvements at the state industrial school for girls, the sum of fifty-nine hundred thirteen dollars and sixty-six cents.

State industrial school for girls.

For current expenses of the Massachusetts nautical training school, the sum of thirty-three hundred ninety-seven dollars and three cents.

Massachusetts nautical training school.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1904.

AN ACT RELATIVE TO THE CONSTRUCTION OF A TUNNEL FOR ELEVATED CARS OR TRAINS IN THE CITY OF BOSTON.

Chap. 167

Be it enacted, etc., as follows:

SECTION 1. The structure for two tracks especially adapted for elevated cars or trains for which provision is made in chapter five hundred and thirty-four of the acts of the year nineteen hundred and two, therein called the tunnel, may be located and constructed by the Boston Transit Commission northerly of the junction of Washington street and Adams square, in and through the existing subway; and in connection therewith such changes may

Construction of a tunnel, etc., in the city of Boston.

Construction
of a tunnel,
etc., in the city
of Boston.

be made within that part of said subway as may be necessary for the accommodation of surface cars; and at any time after the completion of the tunnel the commission may make such further changes in or additions to the existing subway between Adams square or Scollay square and Causeway street as may be necessary for the accommodation of surface cars. In all action hereunder the commission shall, so far as may be necessary, have all the powers conferred by the above named act and shall be subject to the provisions of section thirteen thereof. All expenses incurred hereunder, including any charges or expenses occasioned by reason or in consequence of the laying out of the tunnel through a part of the subway as above provided, shall be deemed a part of the cost of the tunnel under said act.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1904.

Chap. 168 AN ACT TO EXTEND THE TIME WITHIN WHICH THE LOWELL AND FITCHBURG STREET RAILWAY COMPANY SHALL CONSTRUCT AND OPERATE ITS RAILWAY.

Be it enacted, etc., as follows:

Time
extended.

SECTION 1. The time within which the Lowell and Fitchburg Street Railway Company is required by law and by the terms of its several locations to build and put in operation some part of its road is hereby extended until the thirty-first day of December in the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1904.

Chap. 169 AN ACT RELATIVE TO CORPORATIONS AUTHORIZED TO CONSTRUCT RAILROADS IN FOREIGN COUNTRIES.

Be it enacted, etc., as follows:

R. L. 111, § 284,
amended.

SECTION 1. Section two hundred and eighty-four of chapter one hundred and eleven of the Revised Laws is hereby amended by adding at the end thereof the following: — Such corporation may, by vote at a meeting of its directors, purchase, acquire or lease the property, stocks, bonds or securities of any railroad corporation whose line is located in the foreign country named in the original agreement of association of such corporation or any amendment

thereof made as hereinafter provided, or of any steamship company associated in transportation or business with such corporation, upon such terms and for such consideration as shall be determined by such vote, and in like manner may appoint an executive committee from the members of its board, and delegate to such committee such power and authority as by such vote shall be provided, and in like manner may divide the directors into classes as nearly equal as possible for the prescribed number of classes, and prescribe the tenure of office of the several classes, but no class shall be elected for a shorter period than one year or for a longer period than five years, and the term of office of at least one class shall expire at the next annual meeting and thereafter at the end of each year, and at each annual meeting after such division directors shall be elected only to fill the place of those whose term of office shall then expire as so provided and shall hold office for the period so prescribed, and all directors shall hold office until their successors are chosen and qualified; and such corporation may, by vote at an annual or a special meeting of its stockholders, called for the purpose, amend its agreement of association to provide for constructing and operating a railroad in any other foreign country or countries in accordance with the laws of such country or countries, and shall file such amendment in the office of the secretary of the Commonwealth and pay him a fee of fifty dollars, and thereupon such corporation shall have the same powers and privileges, and be subject to the same duties, liabilities and restrictions, in all respects, as if its agreement of association had originally contained such amendment, — so as to read as follows: — *Section 284.* The corporation may from time to time, at a meeting of directors called for the purpose, reduce the amount of the capital stock, or increase it for the purpose of constructing and equipping its road and extensions or branches thereof. If such increase or reduction is made, a certificate of the fact, signed by the president of the corporation, shall, within thirty days thereafter, be filed in the office of the secretary of the Commonwealth. Such corporation may, by vote at a meeting of its directors, purchase, acquire or lease the property, stocks, bonds or securities of any railroad corporation whose line is located in the foreign country named in the original agreement of association of such corporation or any amendment thereof made as hereinafter

R. L. 111, § 284, amended.

Certain railroad corporations may increase or reduce capital stock, etc.

May acquire certain property, etc.

Directors, election, terms, etc.

Agreement of association may be amended, etc.

R. L. 111, § 285, amended.

To be subject to certain provisions of law.

provided, or of any steamship company associated in transportation or business with such corporation, upon such terms and for such consideration as shall be determined by such vote, and in like manner may appoint an executive committee from the members of its board, and delegate to such committee such power and authority as by such vote shall be provided, and in like manner may divide the directors into classes as nearly equal as possible for the prescribed number of classes, and prescribe the tenure of office of the several classes, but no class shall be elected for a shorter period than one year or for a longer period than five years, and the term of office of at least one class shall expire at the next annual meeting and thereafter at the end of each year, and at each annual meeting after such division directors shall be elected only to fill the place of those whose term of office shall then expire as so provided and shall hold office for the period so prescribed, and all directors shall hold office until their successors are chosen and qualified; and such corporation may, by vote at an annual or a special meeting of its stockholders, called for the purpose, amend its agreement of association to provide for constructing and operating a railroad in any other foreign country or countries in accordance with the laws of such country or countries, and shall file such amendment in the office of the secretary of the Commonwealth and pay him a fee of fifty dollars, and thereupon such corporation shall have the same powers and privileges, and be subject to the same duties, liabilities and restrictions, in all respects, as if its agreement of association had originally contained such amendment.

SECTION 2. Section two hundred and eighty-five of chapter one hundred and eleven of the Revised Laws is hereby amended by adding at the end thereof the words: — except as otherwise provided herein, — so as to read as follows: — *Section 285.* Such corporation shall be subject to the provisions of the first clause of section forty-eight and sections fifty-five, fifty-eight, fifty-nine, sixty and seventy-eight of this chapter, and of section fifty-two of chapter fourteen, except as otherwise provided herein.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1904.

AN ACT TO PROVIDE FOR THE DISPOSITION BY THE METROPOLITAN PARK COMMISSION OF UNCLAIMED OR ABANDONED PROPERTY.

Chap. 170

Be it enacted, etc., as follows :

SECTION 1. If money, goods or other property which has been stolen, lost, abandoned or taken from a person under arrest comes into the possession of a police officer or other employee of the metropolitan park commission by virtue of his office or employment, he shall deliver the same to the person designated by said commission to receive the same, and he shall thereupon be relieved from further responsibility therefor.

Disposition of certain stolen or abandoned property, etc.

SECTION 2. If no person proves ownership of such money, goods or other property within six months said commission may cause the same, excepting money unclaimed, to be sold at public auction at such place and time and by such person as said commission may designate.

Certain property may be sold at public auction.

SECTION 3. Notice of the time and place of such sale, with a description of the property to be sold, shall be given by publishing the same once in a newspaper published in the city of Boston.

Notice to be given.

SECTION 4. Such property, if perishable or liable to deteriorate greatly in value by keeping, or the value of which will probably be less than the expense of keeping, may be sold at public auction at such place and at such time within six months and by such person as said commission may designate, such notice of the time and place of sale as said commission may deem reasonable and proper first being given.

Disposition of perishable property, etc.

SECTION 5. The proceeds of such sales, together with such unclaimed money, after deducting all reasonable charges and expenses incurred on account of such property, shall be accounted for and paid to the treasurer and receiver general of the Commonwealth and shall be credited and added to the Metropolitan Parks Expense Fund.

Disposition of proceeds of sales and of unclaimed money.

SECTION 6. If within two years after any such sale the owner claims such property and proves his ownership to the satisfaction of said commission the amount of such unclaimed money or the proceeds of the sale of such property, after deducting all reasonable charges and expenses, shall be paid over to him by the treasurer and receiver general out of said Metropolitan Parks Expense Fund.

To be paid to owner in certain cases.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1904.

Chap.171 AN ACT TO EXTEND THE TIME WITHIN WHICH THE HARTFORD AND WORCESTER STREET RAILWAY COMPANY SHALL CONSTRUCT AND OPERATE ITS RAILWAY.

Be it enacted, etc., as follows :

Time
extended.

SECTION 1. The time within which the Hartford and Worcester Street Railway Company is required by law and by the terms of its several locations to build and put in operation some part of its road is hereby extended until the first day of November in the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1904.

Chap.172 AN ACT TO AUTHORIZE SCHOOL COMMITTEES TO EXPEND MONEY FOR EXHIBITION OF WORK OF THE PUBLIC SCHOOLS.

Be it enacted, etc., as follows :

Money may be
expended for
exhibition of
work of public
schools.

SECTION 1. The school committee of any city or town may, at any national, state or foreign exposition, make an exhibition showing the character, standing or work of the public schools of the city or town, and may for that purpose expend part of the money raised by taxation for school purposes in the year in which the appropriation is made.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1904.

Chap.173 AN ACT RELATIVE TO MEMBERS OF SCHOOL COMMITTEES.

Be it enacted, etc., as follows :

Members of
school com-
mittee not
eligible to
position of
teacher, etc.

No member of a school committee in any city or town shall be eligible to the position of teacher in or master or superintendent of the public schools of such city or town, or to the position of teacher in or master or superintendent of public schools in any school district or superintendency union of which such town forms a part.

Approved March 22, 1904.

Chap.174 AN ACT TO PROVIDE FOR THE PERMANENT INVESTMENT OF THE TECHNICAL EDUCATION FUND, COMMONWEALTH GRANT.

Be it enacted, etc., as follows :

Certain sum to
be paid into
the Technical

SECTION 1. The treasurer and receiver general is hereby authorized to pay into the Technical Education Fund,

Commonwealth Grant, the sum of four hundred twenty-four dollars and sixty-five cents, being the sum required to make the fund one hundred and forty-two thousand dollars.

Education Fund, Commonwealth Grant.

SECTION 2. The treasurer and receiver general is hereby authorized to invest said fund of one hundred and forty-two thousand dollars in the purchase of a long term bond of the Commonwealth, bearing interest at the rate of three and one half per cent per annum, payable semi-annually; and for the purpose of paying the premium on such bond the treasurer and receiver general is hereby authorized, with the approval of the governor, to pay from the treasury of the Commonwealth a sum not exceeding four thousand dollars.

Investment of fund, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1904.

AN ACT RELATIVE TO THE CITY HALL BUILDING IN THE CITY OF MARLBOROUGH.

Chap. 175

Be it enacted, etc., as follows:

SECTION 1. The persons appointed as members of the "city hall building committee" pursuant to the provisions of an order numbered five thousand four hundred and forty-seven, adopted by the city council of the city of Marlborough and approved on the sixteenth day of January, nineteen hundred and four, are hereby constituted a commission to erect on land designated by order numbered five thousand four hundred and forty-five, adopted by said city council and approved on said date, a building for municipal purposes, and to complete and equip the same ready for occupancy, all in accordance with said order. Said commission shall not expend or contract to expend more than the sum specified in said orders, unless such excess of expenditure shall first be authorized by the city council of the city.

City hall building committee of Marlborough, powers and duties.

SECTION 2. The said commission shall remain in existence a sufficient time to accomplish the purposes of this act, and any vacancy therein shall be filled by appointment in the manner provided for the original appointments. The commission shall annually, and whenever required by the mayor or by the city council, present in writing a report of all its acts and proceedings, and of the condition and progress of the work. The members of the commis-

Term of office, vacancy, etc.

sion shall serve without compensation and shall not be interested financially, either directly or indirectly, in the work hereby directed to be done.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1904.

Chap.176 AN ACT TO PROVIDE FOR BETTER PROTECTION OF BIRDS AND WILD ANIMALS ON THE LORD'S DAY.

Be it enacted, etc., as follows :

R. L. 92, § 1,
amended.

Penalty for
hunting, etc.,
on the Lord's
day.

Section one of chapter ninety-two of the Revised Laws is hereby amended by inserting after the word "birds", in the second line, the words:—wild animals,—and by striking out all after the words "liable to", in the third line, and inserting in place thereof the words:—a penalty of not less than ten nor more than twenty dollars in addition to any penalties for taking, killing or having in possession birds, wild animals or game protected by law,—so as to read as follows:—*Section 1.* The Lord's day shall be close season. Whoever hunts or destroys birds, wild animals or game of any kind on the Lord's day shall be liable to a penalty of not less than ten nor more than twenty dollars in addition to any penalties for taking, killing or having in possession birds, wild animals or game protected by law.

Approved March 22, 1904.

Chap.177 AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Be it enacted, etc., as follows :

Corporations
dissolved.

SECTION 1. Such of the following named corporations as are not already legally dissolved are hereby dissolved, subject to the provisions of sections fifty-two and fifty-three of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, viz.:—

- A. Coburn Boot and Shoe Company,
- A. D. Puffer and Sons Manufacturing Company,
- A. F. Leonard Company, The,
- A. F. Towle and Son Company,
- A. H. Atwood Company,
- A. M. Niles Shoe Company,
- A. Ridgeway Co.,
- A. S. Dexter and Company (Incorporated),
- A. T. Fairbanks Confectionery Company,
- A. W. Bryne Construction Company,

Corporations
dissolved.

A. W. Clapp Company,
A. W. Eaton Paper Company,
A. W. Warren Co.,
Abbot Spinner Company, The,
Abbott Park Association,
Abbott Slipper Company, The,
Acetylene Machine Manufacturing Company, The,
Acme Manufacturing Company,
Adams Drug Company,
Adams Power Company,
Adams Print Works Company,
Adelphi Rink Corporation,
Albert Field Tack Company,
Albion Paper Company,
Alcazar Music Hall Company, The,
Alexander Hill Bedding Co.,
Alfred Clapp Lumber Company,
Allen Fan Company,
Allerton Building Company,
Almon Sargent and Conant, Incorporated,
Alpha Cycle Company,
Alpha Publishing Company,
American Bedstead Company, The,
American Company, The,
American Confectionery Company,
American Fertilizer Company,
American Fire Hose Manufacturing Company,
American Gem Cutting Company,
American Gospel Publishing Society, The,
American Lineage Publishing Company,
American Publishing Company, The,
American Slipper Company, Limited, The,
American Sweat Band Sewing Machine Company,
American Tenon Joint Company, The,
American Transmission Rope Company,
Amesbury Carriage Company, The,
Amesbury Shoe Company, The,
Andover Co-operative Creamery Association, The,
Andover Gas Light Company,
Andover Review Company, The,
Argus Advertising Agency,
Arlington Hotel Company, The,
Arthur C. King Company,
Ashland Shoe & Leather Company,
Assabet Manufacturing Company,

Corporations
dissolved.

Atherton Machine Company,
Atherton Paint Company, The,
Athol Realty Company,
Atlantic Box Manufacturing Company,
Atlantic Construction Company,
Atlantic Lumber Company, The,
Atlantic News Company,
Atlantic Novelty Manufacturing Company,
Atlas Brokerage Company, The,
Atlas Pulp Company,
Atlas Tack Corporation,
Attleborough, North Attleborough & Wrentham Street
Railway Company,
Austin Amusement Company,
Austro-Peninsular Company,
Automatic Winder Company,
Ayer Light and Power Company,
B. F. Larrabee Company,
B. F. Lewis & Son Company,
B. W. Fellows Machine Company,
Babb, Williams, Douglass Company, The,
Baker and Gay Company,
Baker-Ricketson Company, The,
Bakers' and Confectioners' Co-operative Association,
The,
Ballardvale Manufacturing Company,
Barre Hotel Company, The,
Bates Machine Company, The,
Bay State Biscuit Company, The,
Bay State Clothing Company, The,
Bay State Lumber Company,
Bay State Manufacturing Company,
Bay State Mercantile Company,
Bay State Morocco Company,
Bay State Packing Company,
Bay State Plumbing and Heating Company,
Bay State Security Company,
Bay State Steamship Company,
Beach and Clarridge Company,
Beacon Cycle Manufacturing Company,
Beacon Oil Company,
Beals Leather Company,
"Bed Rock" Emery Wheel Co.,
Bedford Lumber and Manufacturing Company,
Belden Paint and Mineral Company,

Corporations
dissolved.

Belding Company,
Belmont Manufacturing Company,
Bennett Spinning Company,
Bent Brothers Company,
Beoli Company, The,
Berkeley House Company,
Berkshire Electric Light, Heat & Power Co., The,
Berkshire Spar and Quartz Company, The,
Berkshire Woollen Company,
Berlin Falls Fibre Company, The,
Beverly Machine Company,
Billerica Electric Company,
Black Rock Hotel Company,
Blackstone Valley Co-operative Creamery Company,
Blair Camera Company,
Blanchard & Watts Engraving Company, The,
Bolles and Wilde Company, The,
Border City Hotel Company,
Boston Amusement Company,
Boston and Bay State Die Co.,
Boston and Lynn Steamboat Express Company,
Boston and Machias Steamship Company,
Boston and Philadelphia Steamship Company (Old
company chartered 1873),
Boston and Sandwich Glass Company, The,
Boston and Suburban Laundry Company,
Boston Art Company,
Boston Calendar Manufacturing Co.,
Boston Casting Company,
Boston Check and Ticket Company,
Boston Clock Company,
Boston Co-operative Buyers Association,
Boston Coöperative Press,
Boston Coöperative Society,
Boston Cycle Company,
Boston Cyclorama Company,
Boston Dental Manufacturing Company,
Boston Engraving and McIndoe Printing Company,
Boston Enterprise Manufacturing Company, The,
Boston Furniture Company, The,
Boston Hansom Cab Company, The,
Boston Heating Company,
Boston Ice Cream Company,
Boston Incandescent Lamp Company, The,
Boston Last Manufacturing Company,

Corporations
dissolved.

Boston Lead Manufacturing Company,
Boston Limited Partnership Company,
Boston Lock Corner Box Company,
Boston Lunch Company,
Boston Marble and Granite Company,
Boston Market (Corporation),
Boston Millinery Company,
Boston Paving Company,
Boston Power Company,
Boston Rental and Realty Company,
Boston Security Company,
Boston Shredded Cereal Food Company, The,
Boston Steam Fishing Co.,
Boston Stereoscope Company,
Boston Stock and Grain Exchange,
Boston Time Table Co., The,
Boston Trading and Export Company, The,
Boston Woods Motor Vehicle Co., The,
Boston Woven Hose and Rubber Company,
Bowler Gridley Company,
Boylston Pharmacy (Incorporated),
Bradley Hagney Company,
Brainard Milling Machine Company,
Braintree Shoe Manufacturing Company,
Braintree Wood and Lumber Company,
Bridgewater Box Company,
Bridgewater Box Manufacturing Company,
Brimfield Hotel Company, The,
Brockton and Eureka Box Toe Company,
Brockton Publishing Company, The,
Brookfield Brick Company,
Brookfield Shoe Company,
Brookline Artificial Ice Company,
Brown Electric Company,
Bryant Boot & Shoe Co.,
Bufford's Sons Lithographic Company, The,
Bullard Camera Company, The,
Burget & Lewis Company,
Burke Bamford Shoe Company,
Burlington Manufacturing Company,
Burrell Manufacturing Company,
Burt and Packard Company, The,
Buskirk Jewelry Company,
Butcher Cyclometer Company,
Butchers Rendering Association, Co-operative,

Butchers' Rendering Company of Fall River, The,
 Buttrick and Eddy Company,
 Byfield Woolen Company,
 C. D. Morse Manufacturing Company,
 C. E. Chamberlin Company, The,
 C. E. Hudson Company,
 C. E. Macomber Company,
 C. H. Black Company,
 C. H. Dunham Company, The,
 C. L. Smith Company, The,
 C. R. Brewer Lumber Company,
 C. S. Macgregor Co.,
 C. T. Sampson Manufacturing Company,
 C. W. Mutell Manufacturing Company, The,
 C. W. Tappan Shoe Company,
 California Raisin Company,
 Callender Power Company,
 Cambridge Coöperative Society,
 Cambridge District Messenger Company, The,
 Cambridge Scandinavian Coöperative Society,
 Cameron's Pharmacy,
 Campbell Brothers Company,
 Cape Ann Isinglass Company,
 Cape Ann Printing Company,
 Cape Cod South Side Railroad Company,
 Capital and Progress Spring Company, The,
 Capitol Provision Company,
 Carew Freestone Company, The,
 Carter Paper Company,
 Cascade Power Company, The,
 Caswell Shoe Company,
 Central Plating Works, The,
 Century Manufacturing Company, The,
 Chadwick Lead Works,
 Chamberlin & Sawyer Co.,
 Chamberlin Metal Weatherstrip Company of Boston,
 Champion Card and Paper Company,
 Chandler Adjustable Chair and Desk Company,
 Charlemont Coöperative Creamery,
 Charles A. Millen Company,
 Charles Atkinson Company,
 Charles Baker Company, The,
 Charles F. Bates Manufacturing Company,
 Charles L. Pierce Machine Company,
 Charles Perry Manufacturing Company,

Corporations
 dissolved.

Corporations
dissolved.

Charlestown Stove Co., The,
Chase Elevator and Manton Windlass Company,
Chase Woolen Company,
Chelsea Wire Fabric Rubber Company,
Chequassett Lumber Company,
Chicopee Falls Wheel Company,
Chisel Edge Nut Lock Co.,
Church Cleansing Company,
Church Mills Knitting Company,
Church Publication Company, The,
Citizen Company, The,
Citizen Newspaper Company, The,
Citizen Publishing Company,
Citizens' Co-operative Fuel Association,
Citizens Gas and Electric Light Company of Spencer,
Mass.,
Citizens Gas Company of Medford,
Citizens Gas Light Company of Reading, South Read-
ing and Stoneham,
City Ice Company,
City Warehouse and Storage Company, The,
Claims Adjustment Corporation, The,
Clarendon Counter Company,
Clark Manufacturing and Novelty Company,
Clark W. Bryan Company, The,
Clark's Cove Guano Company,
Clicquot Club Bottling and Extract Company,
Climax Bell Company,
Climax Manufacturing Company, The,
Climax Tin Manufacturing Company,
Clinton Express, The,
Clinton Printing Company,
Coburn and Taylor Manufacturing Company,
Cochrane Carpet Company,
Cohannet Mills,
Colcord Richardson Company,
Cold Process Company, The,
Coleman Cotton Mills,
Collyer Insulated Wire Company, The,
Columbia Electric Company,
Columbia Granite Company,
Columbia Manufacturing Company,
Columbia Rubber Company,
Columbia Stoker Company,
Commercial Company,

Corporations
dissolved.

Commercial Reference Bureau Corporation,
Commonwealth Jewelry Company,
Commonwealth Publishing Company,
Consolidated Refrigerating Company, The,
Consolidation Steamboat Company, The,
Construction Reporting Company, The,
Contractors Estimating Company, The,
Cook & Grew Company,
Coöperative Foundry Co.,
Coöperative Gas and Oil Stove Company,
Copeland Eldridge & Co., Incorporated,
Cottager Company, The,
Court Mills Company,
Craighead & Kintz Company,
Crawford Shoe Company,
Crocker Manufacturing Company,
Crompton Loom Works,
Crosby Bros. Company,
Crosman-Jaquith Company,
Crowell Manufacturing Company,
Crystal Emery Wheel Company,
Crystal Ice Company,
Crystal Mills Company,
Cummings Reading Express Company, The,
Cundy Music Company,
Cutler, Lyons and Field, Incorporated,
Cutter and Walker Manufacturing Company,
Cycle and Tool Manufacturing Company, The,
Cycle Improvement Company,
D. A. Eaton Company,
D. C. Storr Furniture Company,
D. D. White Shoe Company,
D. H. Brigham Company, The,
D. L. Gillett Company, The,
D. Lothrop Company,
D. M. Hazen Company, The,
Daily News Company, The,
Damon Brick Company,
David Myers Company, The,
Day Cordage Company,
De Cee Company,
De Land Medical Company,
De Silva-Morine Company,
Deane Steam Pump Company,
Decker Cycle Company,

Corporations
dissolved.

Dedham Lumber Company,
Deerfield Manufacturing Company, The,
Demarest Heater Company, The,
Densmore-Yost Company,
Derby, Kilmer & Pond Desk Co.,
Dr. Greene Nervura Company,
Dr. J. Melvin Company,
Dodge Machine Screw Company,
Dorchester Beacon Publishing Company, The,
Dorchester Chemical Company,
Dorchester Hygeia Ice Company,
Dow Adjustable Light Company,
Dracut Water Supply Company,
Drury Manufacturing Company,
Dudley Feed Mills Company, The,
Dunbar Mills Company, The,
Duncan Leather Manufacturing Company,
Dutcher Temple Company,
E. A. Drowne Co.,
E. A. Richmond Carriage Company, The,
E. and A. Mudge Shoe Company,
E. B. Tinkham Shoe Company,
E. G. Richards Company,
E. G. Rutty Company,
E. H. Aldrich Hardware Company,
E. Howard Watch and Clock Company, The,
E. T. Cowdrey Co.,
E. W. Ellis Company, The,
E. W. Noyes Company, The,
E. W. Walker Company,
Eagle Metallic Brush Company,
Eagle Mill Company,
East Boston Furniture Company,
East Brookfield Woolen Company,
East Douglas Co-operative Association,
Eastern Construction Company of Boston, The,
Eastern Cordage Co.,
Eastern Cycle Manufacturing Company,
Eastern Paper Company,
Eastern Shoe Co., The,
Eastman Clock Company,
Eaton and Stephens Manufacturing Company,
Eaton-Hurlbut Paper Company,
Edgartown Water Company,

Corporations
dissolved.

Edmands Coffee Mills, The,
 Edmund S. Hunt and Sons Company, The,
 Edward L. Smith Company,
 Edwards Grain Company,
 Egremont Manufacturing Company,
 Elastic Box Toe Co-operative Association, The,
 Elastic Rubber Company,
 Elastic Tip Company,
 Electrodeus Company, The,
 Ellerton Fishing Corporation,
 Ellerton Gas Light Company,
 Emerson, Low and Barber Company,
 Empire Laundry Machinery Company,
 Endrick Woolen Company,
 Engraver and Printer Company (Corporation), The,
 Equity Co-operative Boot and Shoe Manufacturing
 Company,
 Esleeck Paper Company,
 Essex Automobile and Bicycle Company,
 Essex Cycle Company,
 Essex Manufacturing Company,
 Essex Shoe Company, The,
 Evening Gazette Company, The,
 Everett Coöperative Association,
 Everett Cycle Company,
 Everett Woolen Company,
 Every Saturday Publishing Company,
 Excelsior Cement Company,
 Excelsior Shoe Company, The,
 Experimental Company, The,
 F. A. Clapp Horn Company, The,
 F. B. Washburn and Co. Corporation,
 F. C. von Der Heide Company, The,
 F. J. Barber Manufacturing Company,
 F. P. Norton Cigar Company,
 F. R. Smith Co.,
 F. W. Gregory & Company, Incorporated,
 Fairchild Paper Company,
 Fairfield Paper Company,
 Fall River and Providence Street Railway Company,
 Fall River Bleachery,
 Fall River Burial Company,
 Fall River Ice Company,
 Fall River Merino Company,

Corporations
dissolved.

Family Co-operative Grocery Company, The,
Farnumsville Grocery and Provision Company (In-
corporated),
Father Mathew Total Abstinence and Benevolent So-
ciety of Fall River, The,
Fayette Shaw Leather Company,
Fiedler Silk Manufacturing Company,
Fifield Tool Company,
Finlay Paper Company,
Firemen's Fire Insurance Company,
Fitchburg Worsted Company,
Flint-Hazzard Company,
Florence Machine Company,
Flower Medical Company of Massachusetts, The,
Floyd Rounds & Co. Corporation,
Foote-Nodine Company, The,
Ford Bit Company, The,
Forehand Arms Company,
Forest Grove Company,
Fossilitch Leather Company,
Foundry Supply Company, The,
Fowler Automatic Draft Regulator and Ventilator
Company,
Foxboro' Foundry and Machine Company,
Foxboro' Manufacturing Company,
Framingham Brass Manufacturing Company, The,
Framingham Nursery Company,
Framingham Rattan Company, The,
Frank E. Sargent Company, The,
Frank Keene Company,
Frank M. Porter Company,
Freeman Manufacturing Company,
Frick Piano Case Co.,
G. D. Dows & Company, Incorporated,
G. F. Jones Company,
G. K. Baird Paper Company,
G. W. H. Litchfield Company,
Gale Lumber Company,
Gallagher Express Company,
Gazette Company, The,
Geb Attachment Company,
General Construction Company,
General Typing Machine Co.,
George C. Davis Company,
George E. Keith Company,

Corporations
dissolved.

Geo. F. Quigley Company,
George H. Corbett Company,
George H. Poor Leather Company,
Geo. H. Underhill Company, The,
George N. Newhall Company,
Geo. N. Seaman Company, The,
George P. Staples and Company, Incorporated,
George W. Prouty Company, The,
Gilbert Corset Company,
Gleaner Brush Company, The,
Glencoe Granite Company,
Globe Foundry Company, The,
Globe Worsted Mills,
Globe Yarn Mills,
Gloucester Fish Company,
Gloucester Tow Boat Company, The,
Granite Shoe Company,
Grant-Sanger Confectionery Company, The,
Graphic Publishing Company, The,
Great Barrington Gas Light Company, The,
Greyhound Bicycle Manufacturing Company,
Greylock Park Association,
Griffith, Axtell and Cady Company,
Grip Machinery Company,
Groton Coöperative Creamery, The,
Grove Hall Hardware Company,
Guptill Company, The,
H. A. Davis Company, The,
H. A. Pemberton Leather Company,
H. A. Williams Manufacturing Company,
H. J. Blodgett Company, Incorporated,
H. M. Richardson Carriage Company, The,
H. M. White Company,
H. O. Sprague & Son Company, The,
H. W. Downs Company,
H. W. Durgin Company, The,
Hadley Paper Company,
Halford Sauce Company,
Hallet and Davis Piano Manufacturing Company, The,
Hamilton Dry Goods Company,
Hamilton Separator Company, The,
Hampden Automatic Telephone Company,
Hampden Co-operative Association,
Hampden Emery and Corundum Company,
Hampden Trap Rock Company,

Corporations
dissolved.

Hampden Watch Company,
Hampden Woolen Co.,
Hanover Water Company,
Harcourt Paper Box Company,
Harding-Taylor Co., The,
Hardy Company,
Harvard Brass Company,
Harvard Stamping and Plating Company,
Harwood Manufacturing Company,
Hatch-Wall Flashing Company, The,
Hatfield Graduator Company,
Havenner & Davis, Incorporated,
Haverhill Hat Company,
Haverhill Iron Works,
Haverhill Roller Toboggan Company,
Haydenville Manufacturing Company,
Hayward Company, The,
Healy and Lovell Company,
Heath Co-operative Creamery Association,
Heath Drug Company,
Henry C. King Company,
Henry C. Weeden Company,
Hercules Foundry Company,
Herdic Phaeton Company,
Hermon Street Foundry Company,
Highland Mills,
Hingham Cordage Company,
Hodges Mansur Co.,
Holbrook Shoe Company, The,
Holliston Manufacturing Company, The,
Holliston Shoe Company,
Holyoke Dry Goods Company,
Holyoke Newspaper Publishing Company, The,
Holyoke Paper Company,
Holyoke Steam and Gas Pipe Company, The,
Home Telephone and Telegraph Company, The,
Hood Bros. Company,
Hoosac Electric Power Company,
Hopedale Elastic Goods Company,
Hopedale Machine Company,
Hopedale Machine Screw Company,
Hopkinton Lithia Spring Water Company, The,
Horace Partridge Company, The,
Horton Manufacturing Company, The,
Housatonic Water Company,

Corporations
dissolved.

House Furnishing Co-operative Company, The,
Household Novelty Manufacturing Company,
Howard and Emerson Theatrical Company,
Howard Lillie and Company, Incorporated,
Howard Platts and Paine Company,
Howe and Pollard Company,
Howe Lumber Company, The,
Howland Mills Corporation,
Hoxie Mineral Soap Corporation,
Hub Express Company, The,
Hudson River and Berkshire Railroad Company,
Hunt Manufacturing Company,
Hunt's Life Saving Gun Company,
Hurlbut Stationery Company,
Hutchins Machine Company,
Hutchinson & Smith Company,
Hyde Park Coöperative Association, The,
Hydraulic Manufacturing Company,
Hygeia Ice and Cold Storage Company of North
Adams,
Hygeian Ice and Cold Storage Company,
Hygienic Closet Company,
Ice, Bait and Fish Company, The,
Imperial Metal Card Company,
Ingalls Boot and Shoe Corporation, The,
Instant Freezer Company, The,
International Copper Syndicate Company, The,
International Publishing Company, The,
Interstate Law Company,
Ionic Knitting Company, The,
Iowa Light, Heat & Power Company, The,
Ipswich Building Association, The,
Ipswich Co-operative Creamery Company, The,
Isham's Waters of Life Company,
J. Allston Newhall Company,
J. B. Parker Machine Company,
J. Barker and Brothers Manufacturing Company, The,
J. E. Peckham Manufacturing Company, The,
J. E. Wesson Shoe Company,
J. F. Puffer & Son Company, The,
J. G. Boutelle Company,
J. G. Redshaw Company, The,
J. H. Foss Company, The,
J. H. Whitney Company, The,
J. R. Robinson Company,

Corporations
dissolved.

J. Seligman Company,
J. W. Richardson Shoe Company, The,
James H. Lamb Company,
James Skinner Leather Company,
Jameson and Knowles Company,
Jamesville Manufacturing Company,
Jerome W. Doten Company,
Jewett Lumber Company,
Jewett Piano Company,
John B. Babcock Company,
John D. Mack Machine Company,
John Dyke Company,
John E. Brown Manufacturing Company, The,
John F. Bingham Company,
John F. Fowkes Manufacturing Company,
John F. Merrill Company,
John F. Nickerson Company,
John H. Armitage Pulley Covering Company, The,
John P. Lovell Arms Company,
John P. Squire and Company Corporation,
John Wales Company,
Johnson Manufacturing Company,
Johnson Mercantile Company, The,
Joseph Wolfson Company,
Journal Printing Company, The,
Joyce and Fletcher Company,
Judson L. Thomson Riveted Harness Company, The,
Junction Foundry Company,
Kaiser Hat and Cap Company, The,
Katama Land Company,
Kelly Shoe Company, The,
Kelsey Manufacturing Company, The,
King Shoe Company,
Knights of Labor Co-operative Boot and Shoe Association,
Koyukuk Mining and Exploration Company, The,
L. A. May Company, The,
L. C. Richardson Company,
L. H. Beals & Son Company,
L. H. Huntley Company,
L. L. Hobbs Company,
La Rose Car Brake Company,
La Sociale Manufacturing Company,
La Société de Publications Françaises des Etats-Unis,
Lady Grey Perfumery Company,

Corporations
dissolved.

Lakeview Printing Company,
 Lamb Knitting Machine Manufacturing Company,
 Lambeth Rope Company,
 Lamson Show Case Company, The,
 Lancaster Slate Company,
 Landlords' Exchange and Protective Corporation of the
 United States of America,
 Lanesville Granite Company,
 Lapham Woolen Company,
 Lawrence Flyer & Spindle Works,
 Lawrence Line Company,
 Lawrence Supply Company,
 Le Journal Publishing Company,
 Leach and Grant Company, The,
 Lebanon Pink Granite Co.,
 Lee L. Powers Co.,
 Leland Filter Company,
 Lend a Hand Publishing Company,
 Leominster Shirt Company,
 Lewis F. Perry & Whitney Company,
 Lewis-Rich Company,
 Lewis-Robinson Company, The,
 Lexington Gas Light Company,
 Lexington Print Works, The,
 Linscott and Patten Cycle Company,
 Lithuanian and Polish Publishing Company,
 Lithuanian Co-operative Tailoring Association,
 Littlefield Leather Company,
 Lockfast Hook Company,
 London Harness and Saddle Company,
 Loring and Blake Organ Company,
 Loudy Shoe Company,
 Lovell Arms and Cycle Company,
 Lovett Company, The,
 Lovewell Shoe Company, The,
 Low Art Tile Company, The,
 Lowe Grain Company,
 Lowe, Moore & Co., Incorporated,
 Lowell Courier Publishing Company, The,
 Lowell Ice Company,
 Lyman and Kellogg Co.,
 Lynn District Messenger and Telegraph Company, The,
 Lynn Express Company,
 Lynn Foundry and Manufacturing Company, The,
 Lynn Lumber Company,

Corporations
dissolved.

Lynn News Publishing Company,
Lynn Pearl Button Co., The,
Lynn Press Publishing Company,
M. A. Swift's Sons (Incorporated),
M. Collins Woolen Manufacturing Company, The,
M. D. Stebbins Manufacturing Company,
M. E. Kanaly Company, The,
M. Strickland, Incorporated,
Macdonald Printing Company,
Mack Injector Company,
Macpherson Company, The,
Magazine Publishing Co., The,
Magneso-Calcite Fire Proof Company,
Malden Lumber Company, The,
Malden Opera House Company, The,
Malden Stock Laundry Company,
Manet Beach Steamboat Company, The,
Manhattan Construction Company, The,
Mansfield Baking Company, The,
Mansfield Coöperative Furnace Company,
Mansion House Corporation,
Manufacturers' Gazette Publishing Company,
Manufacturers Relief Company, The,
Manufacturers Shoe Company,
Marblehead Supply Company,
Marshall Paper Co.,
Marston and Converse Company,
Marthas Vineyard Railroad Company,
Mason and Hamlin Company,
Massachusetts Car Company,
Massachusetts Chemical and Bacteriological Laboratory, Incorporated,
Massachusetts Construction Company, The,
Massachusetts Enameled Brick and Tile Company,
Massachusetts Engineering Company,
Massachusetts Fuel Company,
Massachusetts Investment Company,
Massachusetts Manufacturing and Electrical Supply Company,
Massachusetts Publishing Company, The,
Massachusetts Railways Company,
Massachusetts Steam Wagon Company,
Massasoit Clothing Company, The,
Massasoit Knitting Company,
Mather & Winn Co.,

Corporations
dissolved.

Mather Launch and Canoe Company,
 Mattapoisett Wharf Company,
 Maverick Oil Company,
 Mayhew Silk Company,
 McCarty, Sheehy and Kendrick Company,
 McLean Shoe Company,
 Mechanics Building Company,
 Meigs Elevated Railway Construction Company, The,
 Melrose Hardware Company, The,
 Mercantile Law Company, The,
 Merrill-James Shoe Company, The,
 Merrimac Wheel and Gear Company,
 Merrimack Woolen Mills Company, The,
 Metallic Goods Company,
 Metalline Shoe Company, The,
 Methuen Hat Company,
 Methyl Dental Company, The,
 Metropolitan Express Company, The,
 Middleborough Co-operative Association,
 Middlesex Coal Company of Somerville,
 Middlesex Ice Company,
 Middlesex Leather Company,
 Middlesex Newspaper Company,
 Milford Moulded Counter Company,
 Millbury Woolen Mill Company, The,
 Millis Electric Light Company,
 Mitchell Manufacturing Company, The,
 Model Manufacturing Company, The,
 Monarch Carbonating Company,
 Mongeau and Myron Shoe Company,
 Monroe Carter Company,
 Monroe Meat Company,
 Monson Co-operative Creamery Association,
 Monson Woolen Company,
 Monte Pio Co-operative Association,
 Montello Co-operative Shoe Company,
 Moore Coombs Company,
 Morning Mail Corporation, The,
 Morrell Liquor Cure Company,
 Morse Manufacturing Company, The,
 Moulton Leather Company,
 Mt. Pleasant Mills Corporation,
 Mudge Shoe Company,
 Munroe Boot & Shoe Co., The,
 Mutual Gas Light Company of West Springfield, The,

Corporations
dissolved.

N. C. Boutelle Furniture Company,
 N. S. Liscomb & Son (Incorporated),
 N. W. Turner Company,
 Nantucket Electric Street Railway Company,
 Nantucket Railroad Company,
 Nathaniel Tufts Meter Company,
 Natick Electric Company,
 Natick Shoe Manufacturing Company,
 National Construction Company,
 National Fireworks Company,
 National Photo Paper and Chemical Company, The,
 National Plaster Company, The,
 National Promoting & Auditing Company,
 National Woolen Mills Company,
 Neal Electric Headlight Company,
 Nemasket Mills,
 Neograph Publishing Company,
 Neverslip Horseshoe Company, The,
 New Bedford Cotton Waste Corporation,
 New Bedford Improved Gold Cure Company, Incorporated, The,
 New Bedford Manufacturing Company,
 New Bedford Observation Wheel Manufacturing Company,
 New Bedford Spinning Company, The,
 New Bedford Steam Coasting Corporation,
 New Bedford Street Transportation Company,
 New England Chair Manufacturing Company,
 New England Clothing Company,
 New England Construction Company,
 New England Electric Company,
 New England Electric Supply Company,
 New England Folding Box Company, .
 New England Laundry Company,
 New England Merchandise Company,
 New England Morocco Works,
 New England Navigation Company,
 New England Paint Company,
 New England Pharmacal Company,
 New England Provision and Grocery Company,
 New England Rattan Company,
 New England Shoe Manufacturing Company, The,
 New England Supply Company,
 New England Trap Rock Company, The,
 New Nation Publishing Company, The,

Corporations
dissolved.

New York and Boston Inland Railroad Company,
 Newburyport and Amesbury Horse Railroad Company,
 Newell Brothers Manufacturing Company,
 News Publishing Company,
 Newton Architectural Wood Works Company,
 Newton Machine Company,
 Newton Manufacturing Company,
 Newton Rubber Company,
 Nickell Publishing Company,
 Nipmuc Paper Box Company,
 Nissitisset Hackney Breeding Association, The,
 Nonantum Company,
 Nonantum Worsted Company,
 Norfolk Electric Light and Power Company,
 Norfolk Southern Street Railway Company,
 North Andover Mills,
 North Brookfield Co-operative Creamery Association,
 North Brookfield Electric Co.,
 North Dighton Cotton Company,
 North Shore Lumber Company,
 Norwood Electric Company,
 Oak Hill Hotel Co.,
 Odd Fellows Hall in the City of Lowell, Proprietors of,
 Old Colony Machine Company,
 Old Corner Drug Store, The,
 "Old Corner" Wall Paper Company,
 Old Spain Co-operative Society,
 O'Neill Shoe Company,
 Orange and Erving Street Railway Company,
 Oriental Coal Oil Company,
 Oriental Coffee House Company,
 Owen Paper Company,
 Packard and Evans Company,
 Page Catering Company,
 Palace Hall Corporation,
 Palmer Wire Manufacturing Company,
 Paphro D. Pike Company,
 Para Rubber Shoe Company,
 Parcel-Post Corporation,
 Parisian Wrapper Manufacturing Company,
 Park Carriage & Bicycle Company,
 Parker Brothers Company,
 Parker Coal and Wood Company,
 Parker Hat Company, The,
 Parker Sampson & Adams Company,

Corporations
dissolved.

Parmenter Manufacturing Company, The,
Parsons Paper Company Number Two,
Paul Askenasy Company,
Peabody-Whitney Company,
Pearl Hill Lithia Spring Company,
Pearson Box and Moulding Company,
Pearson Cordage Company,
Peet Valve Company,
Pemigewassett and Saco Land and Lumber Company,
Peoples Baggage Transfer Express Company,
People's Building Association,
People's Co-operative Association,
People's Co-operative Shoe Manufacturing Company,
Peoples Ice Company,
Peoples Provision Company,
Peoples Telephone and Telegraph Company, The,
Peoples Wholesale Grocery Company,
Perry Laundry Company,
Phenix Printing Company,
Phillipston Coöperative Creamery Company,
Phoenix Brewing Company,
Phoenix Hall Company,
Phoenix Manfg. Corporation, The,
Phoenix Rattan Company, The,
Pierce and Bushnell Manufacturing Company,
Pierce Construction Company,
Pierson Fruit and Produce Company,
Pigeon Cove Co-operative Paving Company, The,
Pilgrim Steamboat Company,
Pioneer Shoe Company,
Pittsfield Coal Company,
Pittsfield Lumber Company,
Planet Manufacturing Company,
Pleasant Valley Live Stock Association, The,
Plymouth County Co-operative Creamery Company,
Plymouth Foundry Company,
Plymouth Garment Company,
Plymouth Shoe Co.,
Plymouth Steamboat Company,
Plymouth Stove Company,
Pocasset Hat Company,
Point of Pines Company,
Portsmouth Mill Company,
Post Printing Company,
Prang Educational Company,

Corporations
dissolved.

Pranker Manufacturing Company,
 Prescott Insurance Company,
 Preston Manufacturing Company,
 Progressive Co-operative Association,
 Prospect Worsted Mills,
 Prout Brothers Granite Company,
 Provincetown Electric Light Company, The,
 Puncturoid Manufacturing Company,
 Puritan Fire Supply Company,
 Pythian Bowling Alley Company,
 Quaboag Steamboat Company, The,
 Queen Hotel Company, The,
 Quincy Cycle Company,
 Quincy Quarry Company, The,
 Quincy Shoe Company,
 Quinsigamond Co-operative Meat Market,
 R. A. Flanders Company,
 R. H. Long Shoe Company,
 R. T. Booth Co.,
 R. Y. Russell Printing and Paper Box Company,
 Rafter Ripley Company, The,
 Rawson Manufacturing Company,
 Reading Electric Light and Power Company,
 Reading Gas and Electric Company,
 Reading Water Company,
 Record Dry Plate Company,
 Reliable Underwear Company,
 Retailers Clearance Company,
 Revere and Winthrop Gas Company,
 Richard Manufacturing Company,
 Richmond Iron Works,
 Riley-Warring Company,
 Robinson Hilton Company,
 Robinson Printing Company,
 Rocheleau Clothing Company,
 Rockland Coöperative Associates, The,
 Rockport Gas Company,
 Rogers Osgood Hat Company,
 Rolf Provision and Grocery Company,
 Rollstone Granite and Construction Company,
 Rotch Spinning Corporation,
 Rouillard Reid Company,
 Royal Millinery Company,
 Rubber Footwear Company, The,
 Russell Mills,

Corporations
dissolved.

Russell, Snow and Davis Company,
Rutland Co-operative Creamery Association, The,
S-K-C Specialty Company,
S. W. Fletcher Clothing Co.,
S. Worthington Paper Company,
Salem Building Association, The,
Salem Clothing Company,
Salem Marine Insurance Company,
Salem Press Publishing and Printing Company, The,
Salem Telephone Company,
Salem Waste Company, The,
Sander Musical Instrument Company, The,
Sanders Building Corporation, The,
Sanford Spinning Company,
Savoy Catering Company, The,
Sawyer Box Company,
Sawyer, Walbridge and Briggs Company,
Scandia Granite Works,
Scandinavian Coöperative Mercantile Company, The,
Security Associates, The,
Seguridad Company,
Shaw Leather Company, The,
Shedd & Crane Leather Company,
Shelburne Falls Co-operative Creamery Association,
Shelley Manufacturing Company,
Siasconset Street Railway Company,
Sigsbee Manufacturing Company, The,
Silver Grill Café Company of Boston,
Singapore Rattan Company, The,
Singletary Co-operative Creamery Association,
Skinner & Scott Wheel Company,
Slater Engine Company, The,
Small, Maynard and Company (Incorporated),
Smith and Gardiner Supply Company,
Smith & Porter Press,
Smith & Winchester Company,
Smith-Foster Shoe Company,
Smith-Hadley Shirt Company,
Smith McFarland Co.,
Somerset Shoe Company,
Somerville Citizen Company,
Somerville Desk Company, The,
South Bay Teaming Company, The,
South Reading Ice Company, The,
South Sea Cranberry Company, The,

Spaulding Brothers Company, The,
 Spencer Hotel Corporation,
 Spencer Woolen Mills Company,
 Sphinx Company Limited, The,
 Sprague & Moore Company,
 Sprague-Grundstrom Company,
 Spring Lane Press,
 Springfield Coil Boiler Company,
 Springfield Coöperative Association, The,
 Springfield Door, Sash & Blind Company,
 Springfield Mountains Coöperative Creamery Association,
 Springfield Narrow Fabric Company,
 Springfield Planing and Moulding Mill Co.,
 Springfield Weaving Company,
 Sprockett Car Wheel Company,
 Spy Publishing Company,
 St. Regis Leather Company, The,
 Standard Book Company, The,
 Standard Brass Company,
 Standard Crockery and House Furnishing Company, The,
 Standard Grip Testing Machine Company of New England,
 Standard Measuring Machine Company,
 Standard Rubber Company,
 Standard Worsted Company, The,
 Standard Worsted Company of Lowell, Mass., The,
 Standish Worsted Company, (Old company chartered 1893.)
 Stanley Electric Manufacturing Company, The,
 Stanley Laboratory Company, The,
 Stanley Manufacturing Company,
 Star Clothing Company, The,
 Star Foundry Company,
 Stephen Dow Company,
 Sterling Emery Wheel Company,
 Stevenson Company, The,
 Stiles and Winslow Leather Company,
 Stoneham Gas and Electric Company,
 Stonemetz Printers Machinery Company,
 Stoughton and Randolph Street Railway Company,
 Strange Forged Drill and Tool Company,
 Strange Forged Twist Drill Company,
 Stratton Bros. Company,

Corporations dissolved.

Corporations
dissolved.

Studley Instalment Company,
Subterranean Cable Company of Boston,
Suburban Telephone Company,
Sudbury Paper Box and Machine Company,
Suffolk Cordage Company,
Suffolk Engraving Company,
Sutherland Drug and Medicine Company,
Swedish Razor Company,
Sykes, Hodge and Arnold Company, The,
Symonds & Poor Company,
T. A. Norris Machine Company, The,
T. B. Bailey Company, The,
T. G. Newgent Company,
Taber Art Company, The,
Taber Organ Company,
Taft, Gardner, Shepard Company,
Taunton Theatre Company,
Thomas B. Adams Company,
Thomas F. Phillips Company,
Thomas Manufacturing Company, The,
Thomas Restieaux Company, The,
Thompson & Odell Co.,
Thompson Milling Company,
Thorp and Adams Manufacturing Company, The,
Thorp and Martin Manufacturing Company,
Tileston Brothers Shoe Company,
Town Neck Land and Improvement Company of
Sandwich,
Townsend, Pierce & Brooks Co., The,
Traders Co-operative Union,
Transcript Publishing Company, The,
Tremont Publishing Company,
Trench Lamp Company, The,
Tropical Coconut Company,
Troy Granite Company,
Turner's Falls Land and Improvement Company,
Tuttle-Smith Company, The,
Tuxedo Manufacturing Company,
Tyler and Moulton Shoe Company,
Underhill Warming & Ventilating Company,
Union Co-operative Coal Company,
Union Cycle Manufacturing Company,
Union Fireworks Company, The,
Union Furniture Company,
Union Glue Company, The,

Corporations
dissolved.

Union Marine Railway,
 Union Publishing Company of Boston,
 Union Road-Machinery Company,
 Union Shoe Company,
 Union Stamp Coöperative Society,
 Union Telegraph & Telephone Company, The,
 Union Ticket Broker Corporation,
 United Cordage Company, The,
 United States Automatic Service Company, The,
 United States Cord Company,
 United States Finance Company,
 United States Fireworks Company,
 United States Registration Company,
 United States Whip Company,
 V. W. Crowson Waste Co.,
 Venezia Fire Proofing Company, The,
 Vernon Worsted Company, The,
 Vikings Coöperative Store Company, The,
 Villa Paint and Ornamental Company, The,
 Voorhees Electric Company,
 Vulcan Foundry Coöperative Company,
 W. A. Graham Company,
 W. B. Witherell Company, The,
 W. C. Packard Furniture and Carpet Company,
 W. E. Howe Company,
 W. E. Rice Company, The,
 W. F. Adams Company,
 W. H. Burbank Company, The,
 W. H. Doble Company,
 W. H. Knox Company,
 W. J. Davis Electric Company,
 W. J. Thompson & Co. Corporation,
 W. M. Colby Company,
 W. O. Taylor Company, The,
 Wachusett Milk Company,
 Wade and Reed Company,
 Wales Manufacturing Co., The,
 Walkerwood Chemical Company,
 Walnut Publishing Company,
 Walter S. Cushing Company,
 Waltham Lumber Company,
 Waltham Music Hall Company,
 Waltham Tribune Company,
 Ware Street Railway Company,
 Warren-Brower Company,

Corporations
dissolved.

Warren Electric Company,
Warwick Cycle Manufacturing Company,
Washacum Pottery Company, The,
Waterman Clothing Company,
Watertown Machine Company,
Weeks & Potter Company,
Weinman Company, The,
Weinz Manufacturing Company, The,
Wekepeke Woolen Company,
Welch Shoe Company, The,
Wellington Sash Lock Company,
Wesley B. Churchill Company,
West Dudley Co-operative Creamery Association,
West End Supply Company, The,
West Warren Co-operative Association,
Westboro' Boot and Shoe Manufacturing Company,
The,
Westfield Gas Light Company,
Westfield Manufacturing Company,
Westport Wooden Ware Company,
Weymouth and Braintree Publishing Company,
Weymouth Shoe Supply Company, The,
Wheelman Company, The,
White Oak River Corporation,
White-Wilbar Shoe Co.,
Whitman Electric Company,
Whittenton Pearl Works Company,
Whittier Cotton Mills,
Whittier Drug Company,
Whittier Shoe Company,
Willey Company,
William Charak Company,
William E. Livingston Company,
William F. Carleton Co., The,
William H. King Sons Company,
William H. Raymond Grocery Company,
William J. Dinsmore Corporation, The,
Wm. Mason Manufacturing Company,
William N. Irving Company,
William T. Gould Company,
Williams Table and Lumber Company, The,
Winchester Gas and Electric Light Company,
Windsor Falls Manufacturing Company,
Winkley and Maddox Ice Company, The,
Winnisimmet Gas Company,

Winthrop Gas and Electric Company, The,
 Witherell Shoe Company,
 Woburn Electric Light Company,
 Woodin Jewelry Company, The,
 Woodville Shoe Company,
 Woodward and Brown Piano Company,
 Worcester and Nashua Telegraph Company,
 Worcester Cholesterine Company,
 Worcester Co-operative Meat Market,
 Worcester Counter Company,
 Worcester Foundry Company,
 Worcester Gas Radiator Company,
 Worcester Machine Works,
 Worcester Manufacturing Company,
 Worcester Marble and Granite Company,
 Worcester Reed Chair Company,
 Worcester Spinning Ring Company,
 Worcester Steam Heating Company,
 Worcester Thread Company,
 Wright Wire Cloth Company,
 Wright Wrench Company, The,
 Wrought Iron Casting Company,
 Wyoming Mills.

Corporations
 dissolved.

SECTION 2. Nothing in this act shall be construed to affect any suits now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Pending suits,
 etc., not
 affected.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself, in a suit upon the claim by such corporation, had it not been dissolved by this act.

Proceedings in
 suits upon
 choses in
 action.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1904.

Chap.178 AN ACT TO ESTABLISH THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES.

Be it enacted, etc., as follows :

Basis of apportionment of state and county taxes.

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the following schedule, are hereby established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the general court, to wit :—

Polls, Property and Apportionment of State and County Tax of \$1,000.

Barnstable county.

BARNSTABLE COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Barnstable,	1,033	\$5,407,775	\$1 55
Bourne,	504	2,742,060	79
Brewster,	216	579,011	18
Chatham,	552	1,032,726	33
Dennis,	616	1,204,500	39
Eastham,	155	345,567	11
Falmouth,	950	8,887,794	2 48
Harwich,	641	1,186,519	38
Mashpee,	88	176,197	06
Orleans,	306	667,745	21
Provincetown,	1,100	2,003,115	65
Sandwich,	351	1,014,359	31
Truro,	198	373,524	12
Wellfleet,	292	1,023,581	30
Yarmouth,	481	2,063,048	60
Total,	7,483	\$28,707,521	\$8 46

Berkshire county.

BERKSHIRE COUNTY.

Adams,	2,818	\$5,939,677	\$1 88
Alford,	92	171,612	06
Becket,	318	475,987	16
Cheshire,	353	726,335	23

BERKSHIRE COUNTY — CONCLUDED.

Berkshire county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Clarksburg,	299	\$250,776	\$0 10
Dalton,	813	3,748,229	1 09
Egremont,	228	468,932	15
Florida,	135	151,200	05
Great Barrington,	1,683	5,471,623	1 64
Hancock,	114	291,578	09
Hinsdale,	377	640,150	21
Lanesborough,	237	469,157	15
Lee,	1,027	1,996,096	64
Lenox,	843	4,547,227	1 30
Monterey,	126	244,209	08
Mount Washington,	22	92,102	03
New Ashford,	39	54,088	02
New Marlborough,	311	563,954	18
North Adams,	5,657	15,471,436	4 72
Otis,	164	229,347	08
Peru,	92	120,960	04
Pittsfield,	6,442	18,213,606	5 53
Richmond,	168	339,748	11
Sandisfield,	188	311,018	10
Savoy,	151	168,983	06
Sheffield,	492	966,891	31
Stockbridge,	506	3,932,706	1 11
Tyringham,	104	237,225	07
Washington,	99	269,336	08
West Stockbridge,	294	414,390	14
Williamstown,	1,027	2,884,204	88
Windsor,	141	201,596	07
Total,	25,360	\$70,064,378	\$21 36

BRISTOL COUNTY.

Bristol county.

Acushnet,	298	\$677,072	\$0 21
Attleborough,	3,573	9,179,918	2 82
Berkley,	243	437,589	14
Dartmouth,	748	3,340,642	97
Dighton,	483	919,169	30
Easton,	1,412	5,662,247	1 66
Fairhaven,	1,090	3,183,253	96
Fall River,	29,701	79,959,290	24 41
Freetown,	378	883,648	28
Mansfield,	1,096	2,160,207	69
New Bedford,	17,934	67,316,478	19 85
North Attleborough,	2,202	4,236,071	1 36

Bristol county.

BRISTOL COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Norton,	489	\$991,471	\$0 32
Raynham,	432	890,047	27
Rehoboth,	453	810,918	26
Seekonk,	445	1,033,376	32
Somerset,	623	1,136,948	37
Swansea,	526	1,277,405	40
Taunton,	8,631	23,950,795	7 29
Westport,	785	1,728,821	54
Total,	71,542	\$209,715,865	\$63 42

County of
Dukes county.

COUNTY OF DUKES COUNTY.

Chilmark,	109	\$248,242	\$0 08
Cottage City,	243	1,674,910	47
Edgartown,	379	954,655	29
Gay Head,	44	37,342	01
Gosnold,	40	241,065	07
Tisbury,	291	1,102,293	33
West Tisbury,	152	428,460	13
Total,	1,258	\$4,686,967	\$1 38

Essex county.

ESSEX COUNTY.

Amesbury,	2,719	\$5,543,266	\$1 76
Andover,	1,691	6,689,317	1 96
Beverly,	3,906	20,645,421	5 93
Boxford,	220	1,079,539	31
Danvers,	2,241	5,569,387	1 72
Essex,	491	1,170,613	36
Georgetown,	549	973,440	32
Gloucester,	8,322	21,387,591	6 57
Groveland,	643	1,053,290	35
Hamilton,	379	3,197,519	90
Haverhill,	11,157	27,781,767	8 57
Ipswich,	1,160	4,428,095	1 30
Lawrence,	17,773	43,985,507	13 57
Lynn,	22,972	56,046,713	17 33
Lynnfield,	271	746,118	23
Manchester,	736	12,489,317	3 42
Marblehead,	2,145	7,462,286	2 22

ESSEX COUNTY — CONCLUDED.

Essex county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Merrimac,	620	\$1,335,909	\$0 42
Methuen,	2,136	5,213,053	1 61
Middleton,	249	619,161	19
Nahant,	295	7,536,334	2 05
Newbury,	419	1,299,179	39
Newburyport,	4,447	11,552,058	3 54
North Andover,	1,264	5,667,077	1 64
Peabody,	3,446	8,540,442	2 64
Rockport,	1,187	3,072,779	94
Rowley,	393	769,783	25
Salem,	10,134	31,726,350	9 52
Salisbury,	448	803,231	26
Saugus,	1,508	4,259,952	1 29
Swampscott,	1,275	10,897,853	3 05
Topsfield,	272	1,118,907	33
Wenham,	250	3,794,766	1 04
West Newbury,	486	1,116,271	35
Total,	106,204	\$319,572,291	\$96 33

FRANKLIN COUNTY.

Franklin
county.

Ashfield,	280	\$587,086	\$0 19
Bernardston,	221	444,255	14
Buckland,	435	599,908	20
Charlemont,	308	373,848	13
Colrain,	468	655,071	22
Conway,	369	720,864	23
Deerfield,	712	1,472,945	47
Erving,	320	583,601	19
Gill,	218	457,043	14
Greenfield,	2,687	7,307,628	2 23
Hawley,	118	152,736	05
Heath,	127	154,552	05
Leverett,	204	295,807	10
Leyden,	98	223,617	07
Monroe,	103	147,584	05
Montague,	1,809	3,935,492	1 24
New Salem,	204	314,513	11
Northfield,	444	1,317,594	40
Orange,	1,699	3,672,198	1 16
Rowe,	148	157,828	06
Shelburne,	421	959,200	30
Shutesbury,	94	199,299	06
Sunderland,	276	477,971	16

Franklin
county.

FRANKLIN COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Warwick,	138	\$332,274	\$0 10
Wendell,	148	233,672	08
Whately,	283	449,628	15
Total,	12,392	\$26,226,214	\$8 28

Hampden
county.

HAMPDEN COUNTY.

Agawam,	767	\$1,564,918	\$0 50
Blandford,	204	455,781	14
Brimfield,	249	405,520	13
Chester,	377	637,252	21
Chicopee,	5,169	10,304,024	• 3 28
East Longmeadow,	344	524,790	18
Granville,	231	397,778	13
Hampden,	228	386,364	13
Holland,	34	77,088	02
Holyoke,	11,631	43,817,565	12 91
Longmeadow,	230	1,136,926	33
Ludlow,	804	2,402,790	73
Monson,	1,093	2,087,347	67
Montgomery,	78	137,029	04
Palmer,	2,047	3,181,467	1 06
Russell,	173	548,356	16
Southwick,	259	527,916	17
Springfield,	19,618	84,926,055	24 74
Tolland,	70	160,036	05
Wales,	247	286,082	10
West Springfield,	2,022	6,101,972	1 84
Westfield,	3,533	9,268,284	2 84
Wilbraham,	399	1,046,981	32
Total,	49,802	\$170,382,311	\$50 68

Hampshire
county.

HAMPSHIRE COUNTY.

Amherst,	1,317	\$3,761,341	\$1 14
Belchertown,	533	876,706	29
Chesterfield,	172	296,299	10
Cummington,	217	303,693	10
Easthampton,	1,465	3,839,493	1 18
Enfield,	284	917,766	27

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Goshen,	78	\$149,201	\$0 05
Granby,	207	500,999	16
Greenwich,	141	251,426	08
Hadley,	590	1,150,710	37
Hatfield,	565	1,391,099	43
Huntington,	383	590,307	20
Middlefield,	99	198,126	06
Northampton,	4,529	13,435,227	4 06
Pelham,	102	208,691	07
Plainfield,	127	181,129	06
Prescott,	104	173,713	06
South Hadley,	1,030	3,016,311	91
Southampton,	251	501,266	16
Ware,	2,082	4,813,952	1 50
Westhampton,	117	238,450	08
Williamsburg,	512	920,392	30
Worthington,	183	319,673	10
Total,	15,088	\$38,036,060	\$11 73

MIDDLESEX COUNTY.

Middlesex
county.

Acton,	710	\$1,964,092	\$0 60
Arlington,	2,505	10,308,560	3 02
Ashby,	275	705,258	22
Ashland,	424	1,014,022	31
Ayer,	798	1,695,360	53
Bedford,	285	1,269,358	37
Belmont,	1,104	6,278,506	1 79
Billerica,	675	2,574,887	76
Boxborough,	91	234,389	07
Burlington,	176	585,631	17
Cambridge,	25,749	110,858,351	32 31
Carlisle,	148	405,065	12
Chelmsford,	1,229	3,161,852	97
Concord,	1,441	6,077,026	1 77
Dracut,	915	2,124,587	66
Dunstable,	114	324,546	10
Everett,	8,009	21,264,833	6 50
Framingham,	3,089	10,450,611	3 11
Groton,	538	3,440,307	98
Holliston,	787	1,590,766	51
Hopkinton,	802	1,741,156	55
Hudson,	1,797	3,501,366	1 12
Lexington,	1,309	6,547,367	1 87

Middlesex
county.

MIDDLESEX COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Lincoln,	320	\$2,783,578	\$0 78
Littleton,	361	1,009,581	31
Lowell,	24,048	77,599,647	23 22
Malden,	10,166	33,087,338	9 89
Marlborough,	4,064	9,891,203	3 06
Maynard,	1,884	3,183,900	1 04
Medford,	5,354	22,169,475	6 48
Melrose,	4,052	15,827,907	4 65
Natick,	2,980	6,511,264	2 04
Newton,	9,613	71,356,289	20 10
North Reading,	270	672,302	21
Pepperell,	974	2,281,112	71
Reading,	1,578	4,870,853	1 46
Sherborn,	292	853,144	26
Shirley,	445	952,352	30
Somerville,	18,381	58,777,146	17 60
Stoneham,	2,009	5,166,724	1 59
Stow,	303	823,321	25
Sudbury,	357	1,268,387	38
Tewksbury,	719	1,810,638	56
Townsend,	550	1,253,074	39
Tyngsborough,	240	489,230	16
Wakefield,	2,815	8,412,917	2 54
Waltham,	6,950	23,297,415	6 94
Watertown,	3,108	12,921,271	3 78
Wayland,	642	1,921,710	58
Westford,	681	2,003,709	61
Weston,	575	6,990,891	1 93
Wilmington,	444	1,217,315	37
Winchester,	2,050	10,901,591	3 13
Woburn,	4,077	11,405,100	3 47
Total,	163,267	\$599,838,280	\$177 20

Nantucket
county.

NANTUCKET COUNTY.

Nantucket,	853	\$3,570,966	\$1 04
Total,	853	\$3,570,966	\$1 04

NORFOLK COUNTY.

Norfolk
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Avon,	562	\$915,157	\$0 30
Bellingham,	421	797,829	26
Braintree,	1,821	5,296,060	1 60
Brookline,	6,184	102,306,308	28 05
Canton,	1,108	4,231,865	1 25
Cohasset,	636	7,528,491	2 08
Dedham,	2,138	11,599,310	3 33
Dover,	179	1,147,374	33
Foxborough,	839	2,043,403	63
Franklin,	1,277	3,744,312	1 13
Holbrook,	737	1,458,319	47
Hyde Park,	3,522	12,415,331	3 68
Medfield,	494	1,683,194	50
Medway,	738	1,436,959	46
Millis,	276	718,104	22
Milton,	1,841	25,435,822	7 01
Needham,	1,204	4,291,373	1 27
Norfolk,	283	623,345	20
Norwood,	1,926	5,303,614	1 62
Quincy,	8,136	23,894,528	7 22
Randolph,	1,116	2,303,589	73
Sharon,	522	2,089,529	61
Stoughton,	1,618	3,332,400	1 06
Walpole,	1,068	3,161,371	35
Wellesley,	1,144	12,003,903	3 33
Westwood,	295	2,240,713	63
Weymouth,	3,348	7,118,489	2 24
Wrentham,	779	1,722,947	54
Total,	44,162	\$250,844,139	\$71 70

PLYMOUTH COUNTY.

Plymouth
county.

Abington,	1,478	\$2,592,248	\$0 84
Bridgewater,	1,342	2,762,046	88
Brockton,	13,737	32,040,921	9 97
Carver,	253	1,441,633	41
Duxbury,	574	1,968,740	59
East Bridgewater,	916	1,843,176	59
Halifax,	162	307,189	10
Hanover,	602	1,490,334	46
Hanson,	407	724,638	24
Hingham,	1,204	5,013,203	1 47
Hull,	383	4,384,234	1 21
Kingston,	538	1,703,333	51

Plymouth
county.

PLYMOUTH COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Lakeville,	275	\$652,931	\$0 20
Marion,	330	1,631,346	47
Marshfield,	504	1,741,196	52
Mattapoisett,	299	1,887,634	54
Middleborough,	2,027	4,494,400	1 41
Norwell,	476	1,285,858	39
Pembroke,	374	860,294	27
Plymouth,	2,865	9,917,655	2 95
Plympton,	156	338,550	11
Rochester,	243	519,760	16
Rockland,	1,822	3,395,304	1 09
Scituate,	750	3,422,951	99
Wareham,	992	3,105,761	98
West Bridgewater,	511	1,131,811	35
Whitman,	1,992	3,882,732	1 24
Total,	35,212	\$94,539,878	\$28 89

Suffolk county.

SUFFOLK COUNTY.

Boston,	178,905	\$1,276,393,246	\$360 05
Chelsea,	10,231	24,664,023	7 64
Revere,	3,398	11,950,017	3 54
Winthrop,	1,973	8,725,731	2 54
Total,	194,507	\$1,321,733,017	\$373 77

Worcester
county.

WORCESTER COUNTY.

Ashburnham,	433	\$1,020,818	\$0 32
Athol,	2,178	4,498,961	1 42
Auburn,	483	827,805	27
Barre,	621	1,557,049	48
Berlin,	270	550,798	18
Blackstone,	1,525	2,550,747	84
Bolton,	240	494,135	16
Boylston,	355	437,008	15
Brookfield,	696	1,382,240	44
Charlton,	754	1,325,745	43
Clinton,	3,673	8,260,249	58
Dana,	222	374,387	12
Douglas,	598	1,110,395	36

WORCESTER COUNTY — CONCLUDED.

Worcester
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Dudley,	812	\$1,431,395	\$0 47
Fitchburg,	8,790	26,965,153	8 11
Gardner,	3,598	6,469,646	2 10
Grafton,	1,203	2,543,046	80
Hardwick,	796	1,685,674	53
Harvard,	390	1,219,553	36
Holden,	664	1,436,191	45
Hopedale,	778	5,458,162	1 54
Hubbardston,	364	648,302	21
Lancaster,	578	3,812,574	1 08
Leicester,	895	2,653,405	80
Leominster,	3,972	9,557,484	2 96
Lunenburg,	323	959,775	29
Mendon,	273	629,942	20
Milford,	3,678	6,317,135	2 06
Millbury,	1,215	2,283,401	73
New Braintree,	155	419,019	13
North Brookfield,	765	1,728,240	54
Northborough,	536	1,374,127	42
Northbridge,	2,218	4,920,275	1 54
Oakham,	169	329,895	11
Oxford,	872	1,722,150	55
Paxton,	109	310,051	09
Petersham,	234	716,955	22
Phillipston,	115	287,908	09
Princeton,	303	914,227	28
Royalston,	301	598,375	19
Rutland,	316	688,310	22
Shrewsbury,	517	1,361,886	42
Southborough,	479	1,910,999	56
Southbridge,	2,800	5,324,110	1 71
Spencer,	1,838	3,990,449	1 25
Sterling,	394	908,492	28
Sturbridge,	530	981,333	32
Sutton,	720	1,250,890	41
Templeton,	1,171	1,509,008	52
Upton,	589	1,117,288	36
Uxbridge,	1,200	2,784,031	87
Warren,	1,331	1,957,283	66
Webster,	2,425	6,945,650	2 11
West Boylston,	530	721,802	25
West Brookfield,	394	915,398	28
Westborough,	1,231	3,057,693	94
Westminster,	411	771,157	25
Winchendon,	1,645	2,967,127	96
Worcester,	35,684	131,334,238	38 79
Total,	100,299	\$282,279,541	\$85 76

Recapitulation.

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including polls at one tenth of a mill each.
Barnstable,	7,483	\$28,707,521	\$8 46
Berkshire,	25,360	70,064,378	21 36
Bristol,	71,542	209,715,865	63 42
Dukes County,	1,258	4,686,967	1 38
Essex,	106,204	319,572,291	96 33
Franklin,	12,332	26,226,214	8 28
Hampden,	49,802	170,382,311	50 68
Hampshire,	15,088	38,036,060	11 73
Middlesex,	163,267	599,838,280	177 20
Nantucket,	853	3,570,966	1 04
Norfolk,	44,162	250,344,139	71 70
Plymouth,	35,212	94,539,878	28 89
Suffolk,	194,507	1,321,733,017	373 77
Worcester,	100,299	282,279,541	85 76
Total,	827,369	\$3,420,197,428	\$1,000 00

SECTION 2. This act shall take effect upon its passage.
Approved March 23, 1904.

Chap.179 AN ACT RELATIVE TO CAUCUSES HELD PREPARATORY TO NATIONAL CONVENTIONS OF POLITICAL PARTIES.

Be it enacted, etc., as follows :

Holding of
caucuses of
political par-
ties prepara-
tory to national
conventions.

Proviso.

SECTION 1. The provisions of law relative to caucuses of political parties, except those of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, shall apply to caucuses of such parties held for the choice of delegates to conventions to elect delegates to national conventions for the nomination of candidates for president and vice president of the United States : *pro-
vided*, that such caucuses shall be held by wards or towns, and that in Boston and in cities and towns in which at any caucuses preliminary to the last state election the provisions of sections ninety-nine to one hundred and thirty-one, both inclusive, of chapter eleven of the Revised Laws were in force, there shall be appointed by the city or town committees of the several political parties to serve at such caucuses of the respective parties a warden, a clerk, and at least five inspectors, and, in wards having more than

five precincts, such additional inspectors as the city committee may determine, such appointments to be made at least ten days, and notice thereof to be sent by the secretary of the committee to the appointees at least seven days, before the date on which the caucuses are to be held.

SECTION 2. A majority of the caucus officers so appointed present at a caucus may fill vacancies and elect additional inspectors as hereinbefore provided. No other additional officers shall be appointed. Caucus officers, vacancies, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1904.

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 180

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham, for the purposes specified in chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy-two, being “An Act to supply the town of Waltham with water”, may from time to time incur indebtedness, in addition to the amount already allowed by law, to an amount not exceeding one hundred thousand dollars. City of Waltham may incur additional indebtedness.

SECTION 2. The said city at the time of making the loan hereby authorized shall establish a sinking fund for the payment of the same, and shall provide for such yearly payments thereto as will be sufficient, with the interest thereon, to pay the debt at maturity; or the city may provide for the payment of the debt in annual payments to be taken from the earnings of the water department, and, in case the earnings are not sufficient in any year, the deficiency shall be raised by taxation, and shall be assessed in the same manner in which other taxes are assessed, until the debt is paid. Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1904.

AN ACT RELATIVE TO RETURNS TO BE MADE TO THE TAX COMMISSIONER.

Chap. 181

Be it enacted, etc., as follows:

Section ninety-three of chapter twelve of the Revised Laws is hereby amended by inserting after the word “purposes”, in the fourteenth line, the words:— They shall R. L. 12, § 93, amended.

Assessors to
make annual
return to tax
commissioner.

also, at the same time, return to the tax commissioner the names of all foreign corporations which have a usual place of business within said city or town, — so as to read as follows : — *Section 93.* Assessors shall annually, on or before the first Monday of August, return to the tax commissioner the names of all corporations, except banks of issue and deposit, having a capital stock divided into shares, chartered by the Commonwealth or organized under the general laws for the purposes of business or profit and established in their respective cities and towns or owning real estate therein, and a statement in detail of the works, structures, real estate and machinery owned by each of said corporations and situated in such city or town, with the value thereof, on the first day of May preceding, and the amount at which the same is assessed in said city or town for the then current year. They shall also, at the same time, return to the tax commissioner the amount of taxes laid, or voted to be laid, within said city or town, for the then current year, for state, county and town purposes. They shall also, at the same time, return to the tax commissioner the names of all foreign corporations which have a usual place of business within said city or town. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit one hundred dollars.

Penalty.

Approved March 26, 1904.

Chap. 182 AN ACT TO CHANGE THE NAME OF THE MANUFACTURERS' TRUST COMPANY TO THE COMMONWEALTH TRUST COMPANY, AND TO AUTHORIZE IT TO HOLD REAL ESTATE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Name changed. SECTION 1. The name of the Manufacturers' Trust Company, incorporated by chapter two hundred and twenty-four of the acts of the year eighteen hundred and eighty-seven, as amended by chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-eight, and by chapter four hundred and thirty-seven of the acts of the year eighteen hundred and ninety-nine, is hereby changed to The Commonwealth Trust Company.

May purchase
and hold real
estate.

SECTION 2. The said company is hereby authorized to purchase and hold real estate in the city of Boston suitable for the transaction of its business, to an amount not

exceeding in value fifty per cent of its capital actually paid in.

SECTION 3. Section two of chapter four hundred and thirty-seven of the acts of the year eighteen hundred and ninety-nine is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 26, 1904.

AN ACT TO PROHIBIT UNAUTHORIZED PERFORMANCES OR REPRESENTATIONS OF CERTAIN DRAMATIC AND MUSICAL COMPOSITIONS.

Chap. 183

Be it enacted, etc., as follows:

Whoever causes to be publicly performed or represented an unpublished and undedicated dramatic or musical composition without the consent of the proprietor thereof, and with knowledge or notice that such dramatic or musical composition is unpublished and undedicated, or whoever, being in control of a theatre or other public place of amusement, licensed or unlicensed, without such consent and with such knowledge or notice permits a public performance or representation of such dramatic or musical composition in such theatre or place of amusement, or whoever without such consent and with such knowledge or notice takes part in a public performance or representation of such dramatic or musical composition, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. Unauthorized performances or representations of certain dramatic and musical compositions prohibited.

Penalty.

Approved March 29, 1904.

AN ACT RELATIVE TO THE CONSTRUCTION OF A HIGH SCHOOL BUILDING BY THE CITY OF BROCKTON.

Chap. 184

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and ninety-three of the acts of the year nineteen hundred and three is hereby amended by striking out the words "carrying out the work specified in said order and in this act", in the first and second lines, and inserting in place thereof the words: — procuring funds for the erection of the said building, exclusive of furnishings, — by striking out the words "one hundred and eighty", in the fifth and sixth lines, and inserting in place thereof the words: — two hundred, — by striking out the word "three", in the 1903, 393, § 3, amended.

1903, 398, § 3,
amended.

tenth, twelfth and twenty-fourth lines, respectively, and inserting in place thereof in each instance the word :— four, — by striking out the word “ May ”, wherever it occurs in the said section, and inserting in place thereof in each instance the word :— February; — by striking out the figures “ 1903 ”, in the fourteenth line, and inserting in place thereof the figures :— 1904, — by striking out the figures “ 1904 ”, in the nineteenth line, and inserting in place thereof the figures :— 1905, — by striking out the word “ four ”, in the fifteenth, eighteenth, twenty-seventh, twenty-eighth and twenty-ninth lines, respectively, and inserting in place thereof in each instance the word :— five, — by striking out the word “ eighty ”, in the sixteenth line, and inserting in place thereof the words :— one hundred, — by striking out the word “ five ”, in the last line, and inserting in place thereof the word :— six, — and by adding at the end of the said section the words :— The said commission is hereby authorized to expend and to contract to expend for the erection of the said building, exclusive of furnishings, all sums herein authorized to be borrowed. All the sums hereby authorized to be borrowed are to be borrowed inside the authorized debt limit of the city of Brockton, — so as to read as follows :— *Section 3.* For the purpose of procuring funds for the erection of the said building, exclusive of furnishings, the city treasurer of the said city is hereby authorized and directed, from time to time upon the request of the said commission, as hereinafter provided, to borrow the sum of two hundred thousand dollars, and to issue the bonds, notes or scrip of the city to that amount, at the times and in the manner following, to wit :— The indebtedness to be incurred hereunder during the year nineteen hundred and four shall not exceed the sum of one hundred thousand dollars; the bonds, notes or scrip issued therefor shall be dated February first, nineteen hundred and four, and shall be denominated on their face, Brockton High School Loan, 1904. The indebtedness to be incurred hereunder during the year nineteen hundred and five shall not exceed the sum of one hundred thousand dollars, and the bonds, notes or scrip to be issued therefor shall be dated February first, nineteen hundred and five, and shall be denominated on their face, Brockton High School Loan, 1905. The securities authorized to be issued hereunder shall be signed by the mayor and city treasurer, and shall bear interest at a

City treasurer
may issue
bonds, notes or
scrip, etc.

Brockton High
School Loan,
1904.

Brockton High
School Loan,
1905.

rate not exceeding four per cent per annum, payable semi-annually. The issue of the year nineteen hundred and four shall be paid in twenty annual proportionate payments of not more than five thousand dollars each, and the first of said payments shall be made on the first day of February in the year nineteen hundred and five. The issue of nineteen hundred and five shall be paid in twenty annual proportionate payments of not more than five thousand dollars each, and the first of said payments shall be made on the first day of February in the year nineteen hundred and six. The said commission is hereby authorized to expend and to contract to expend for the erection of the said building, exclusive of furnishings, all sums herein authorized to be borrowed. All the sums hereby authorized to be borrowed are to be borrowed inside the authorized debt limit of the city of Brockton.

Payment of
loans.

Expenditures,
etc.

SECTION 2. So much of the said chapter three hundred and ninety-three as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1904.

AN ACT TO PROVIDE FOR PROTECTING THE WATER SUPPLY OF THE
TOWN OF PEABODY.

Chap. 185

Be it enacted, etc., as follows:

SECTION 1. The town of Peabody may, with the consent and approval of the state board of health, given after due notice and a hearing, take by purchase or otherwise within five years after the passage of this act, and hold any lands, rights of way and easements within the watersheds of Spring pond and Brown's pond, or either of them, in the said town, which may be deemed necessary to protect and preserve the purity of the water supply of the town.

Town of
Peabody may
take certain
lands, etc.

SECTION 2. If any lands, rights or easements are taken under authority hereof, otherwise than by purchase, the said town shall, within sixty days thereafter, cause to be recorded in the registry of deeds for the southern district of the county of Essex a description thereof sufficient for identification, and a statement of the purpose for which they were taken, signed by the water commissioners of the town. Upon the filing of the said description and statement the title in fee simple to the lands, rights or easements so taken shall vest in the town of Peabody.

Description of
lands, etc., to
be recorded.

Damages.

SECTION 3. The town of Peabody shall pay all damages sustained by any person, corporation or town by the taking of land, rights or easements under authority of this act; and if the parties cannot agree upon the amount of the same they may be recovered in the manner provided by law in the case of land taken for the laying out of highways: *provided*, that application therefor is made within three years after such taking.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved March 29, 1904.

Chap. 186 AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR DAMAGES AND OFFERS OF SURRENDER OF REAL ESTATE UNDER THE ACT TO PROVIDE FOR A METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

1899, §42, § 1,
etc., amended.

SECTION 1. Section one of chapter three hundred and forty-two of the acts of the year eighteen hundred and ninety-nine, as amended by section one of chapter one hundred and eight of the acts of the year nineteen hundred, and by section one of chapter four hundred and ninety-eight of the acts of the year nineteen hundred and one, is hereby further amended by striking out the word "four", in the seventeenth line, and inserting in place thereof the word:— five, — so as to read as follows:—

Time within
which certain
petitions for
damages, etc.,
may be filed
extended.

Section 1. Petitions under the provisions of section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of section one of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety-seven, and acts in amendment thereof or in addition thereto, for the determination of damages for the taking of real estate may be filed, as provided by law, within two years after the actual taking by right of eminent domain of such real estate or of any interest therein, and petitions for the determination of damages for the taking of water rights where no land is taken in connection with such water rights, and for the determination of all other damage provided for in said acts, and offers of surrender of real estate provided for in said acts, may be filed on or before the first day of July in the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

AN ACT TO AUTHORIZE THE CENTRAL SQUARE SOCIETY IN BRIDGEWATER TO CONSOLIDATE WITH THE TRINITARIAN CONGREGATIONAL CHURCH IN BRIDGEWATER.

Chap.187

Be it enacted, etc., as follows :

SECTION 1. The name of the Trinitarian Congregational Church in Bridgewater, incorporated by chapter one hundred and thirty-four of the acts of the year eighteen hundred and twenty-five, is hereby changed to the Central Square Congregational Church in Bridgewater. The said church is hereby authorized to hold real and personal property to the amount of one hundred thousand dollars.

Name changed, etc.

SECTION 2. The Central Square Society, a religious society in Bridgewater, incorporated under the general law, is hereby authorized to convey all its real and personal property to the Central Square Congregational Church in Bridgewater. If the said church shall accept the property of the said society all the existing financial obligations of the said society shall become the obligations of the said church. The said society shall then be dissolved, if it shall pass a vote to that effect.

Conveyance of real and personal property, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1904.

AN ACT TO AUTHORIZE THE TRANSFER TO THE PARK COMMISSIONERS OF THE CITY OF LOWELL OF ALL THE POWERS THAT ARE NOW VESTED BY LAW IN THE BOARD OF ALDERMEN AND SURVEYORS OF HIGHWAYS IN RELATION TO TREES AND SHRUBS.

Chap.188

Be it enacted, etc., as follows :

SECTION 1. All the powers and authority vested by law at the time of the passage of this act in the mayor and board of aldermen and surveyor of highways of the city of Lowell, in respect to trees and shrubs now or hereafter planted or growing in the streets, roads, squares, courts, parks, public gardens and other public enclosures in said city, except trees and shrubs on grounds controlled by the Lowell water board, are hereby transferred to and vested in the park commissioners of said city, who shall have exclusive powers to act in respect to setting out, planting, care, maintenance, removal, cutting and trimming of such trees and shrubs.

Certain powers and authority vested in the park commissioners of Lowell.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

Chap. 189 AN ACT RELATIVE TO THE FRANKLIN H. BISHOP BEQUEST FUND.*Be it enacted, etc., as follows:*

The Franklin
H. Bishop
Bequest Fund
to be trans-
ferred to the
Massachusetts
School Fund,
etc.

SECTION 1. The treasurer and receiver general is hereby authorized to transfer to the Massachusetts School Fund the sum of nine thousand four hundred sixty-five dollars and twelve cents, together with all accumulations thereof, now standing on the books of the treasury department to the credit of the Franklin H. Bishop Bequest Fund, said principal amount being a bequest to the Commonwealth by Franklin H. Bishop, deceased; and he is further authorized to sell and convey in behalf of the Commonwealth, upon such terms and conditions as he may deem proper, all the real estate devised to the Commonwealth by the will of the said Bishop, the proceeds of such sale or sales to be paid into the Massachusetts School Fund.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

Chap. 190 AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

Taunton
insane
hospital.

For certain repairs and improvements at the Taunton insane hospital, as authorized by chapter one of the resolves of the present year, a sum not exceeding fifty-three thousand dollars.

Publication of
bulletin of
committee
hearings.

For expenses in connection with the publication of the bulletin of committee hearings, as authorized by chapter two of the resolves of the present year, a sum not exceeding forty-five hundred dollars.

Report of
committee on
relations
between
employer and
employee.

For printing the report of the committee on the relations between employer and employee, as authorized by chapter four of the resolves of the present year, the sum of three hundred sixty-eight dollars and twenty-eight cents.

Samuel F.
Coffin.

For Samuel F. Coffin, as authorized by chapter five of

the resolves of the present year, the sum of two hundred dollars.

For medical examiners' fees, a sum not exceeding five hundred dollars. Medical examiners' fees.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and three, the sum of three hundred dollars. Repair, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars. Beach Point road.

For the city of Waltham, for the annual assessment due from the Commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-minded, as provided in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three, the sum of eight hundred twenty dollars and eighty-nine cents. City of Waltham.

For the support of Sarah J. Robinson, a prisoner in one of the jails of Middlesex county, a sum not exceeding four hundred dollars. Sarah J. Robinson.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of the Commonwealth. Small items of expenditure, etc.

For additional clerical assistance in the office of the clerk of the house of representatives, a sum not exceeding five hundred dollars, as authorized by chapter eighty-seven of the acts of the present year, the same to be in addition to any amount heretofore appropriated. Clerk of house, additional clerical assistance.

For clerical assistance for the executive department, as authorized by chapter eighty-eight of the acts of the present year, a sum not exceeding one thousand dollars. Executive department, clerical assistance.

For books, maps, statistics, stationery, and incidental and contingent expenses of the railroad commissioners, as authorized by chapter ninety-six of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose. Railroad commissioners, expenses.

For clerical assistance in the office of the tax commissioner, as authorized by chapter ninety-nine of the acts of the present year, a sum not exceeding twenty-five hundred dollars, the same to be in addition to the seventeen Tax commissioner, clerical assistance.

Report of
joint special
committee to
investigate
compensation
of state and
county
officials.

Revolutionary
records.

Boiler
inspection
department of
the district
police.

Mary E.
Hurley.

Town of
Medway.

Expenses of
committee on
relations
between
employers and
employees.

Henry M.
Aldrich.

Executors of
will of Cynthia
A. Brewer.

Preservation
of war records.

Medford
Manufacturing
Company.

Compensating
owners of
animals
killed in
exterminating

thousand dollars appropriated by chapter seventeen of the acts of the present year.

For printing additional copies of the report of the joint special committee appointed to investigate the compensation of state and county officials, as authorized by chapter seven of the resolves of the present year, the sum of fifty-seven dollars and ten cents.

For compiling, indexing and publishing the records of Massachusetts soldiers and sailors who served in the revolutionary war, as authorized by chapter eight of the resolves of the present year, a sum not exceeding thirty-seven hundred dollars.

For the maintenance and repair of certain apparatus used in the boiler inspection department of the district police, as authorized by chapter nine of the resolves of the present year, a sum not exceeding five hundred dollars.

For Mary E. Hurley, as authorized by chapter ten of the resolves of the present year, the sum of one hundred and fifty dollars.

For the town of Medway, as authorized by chapter eleven of the resolves of the present year, the sum of five hundred and seventy-five dollars.

For expenses of the committee to consider and report on the laws concerning the relations between employers and employees, as authorized by chapter twelve of the resolves of the present year, a sum not exceeding four thousand dollars.

For Henry M. Aldrich, as authorized by chapter thirteen of the resolves of the present year, the sum of one hundred and twenty-five dollars.

For the executors of the will of Cynthia A. Brewer, as authorized by chapter fourteen of the resolves of the present year, the sum of four hundred sixty-eight dollars and twenty-six cents.

For the preservation of the war records in the office of the adjutant general, as authorized by chapter fifteen of the resolves of the present year, a sum not exceeding five hundred dollars.

For the Medford Manufacturing Company, as authorized by chapter sixteen of the resolves of the present year, the sum of forty-nine dollars and fifty-three cents.

For compensating owners of animals killed in exterminating the foot and mouth disease, as authorized by chapter seventeen of the resolves of the present year, a

sum not exceeding five hundred seventeen dollars and fifty cents, to be paid out of the unexpended appropriation authorized by chapter eighty-three of the resolves of the year nineteen hundred and three. the foot and mouth disease.

For Wilma D. Bent, as authorized by chapter eighteen of the resolves of the present year, the sum of one hundred and fifty dollars. Wilma D. Bent.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding three hundred dollars, the same to be in addition to the six thousand dollars appropriated by chapter forty of the acts of the present year. State house telephones.

For certain repairs to the training ship Enterprise, as authorized by chapter twenty of the resolves of the present year, a sum not exceeding fifteen thousand dollars. Training ship Enterprise.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

AN ACT RELATIVE TO MUNICIPAL PARTIES IN THE CITY OF NEW-BURYPORT. *Chap. 191*

Be it enacted, etc., as follows:

SECTION 1. Any association of legal voters in the city of Newburyport which, first, at the preceding city election polled for mayor at least three per cent of the whole vote cast in the city for that office, or, second, which files with the city clerk at least sixty days before the annual municipal election a petition to be allowed to place caucus nominees on the official ballot, which petition is signed by a number of the registered voters of the city equal to at least three per cent of the whole vote polled in the city for mayor at the preceding election, shall be deemed a municipal party so far as municipal elections in that city are concerned, and a political party within the meaning of chapter eleven of the Revised Laws and amendments thereof, as if the said party had at the preceding annual state election polled for governor at least three per cent of the whole vote cast in the Commonwealth for that office. Voting or taking part in the caucuses of any such municipal party by any voter shall not affect his right to vote or take part in the caucuses of another political party, whether national, state or municipal, for any other election; and the having voted or taken part in the caucuses of another political party for any previous election, whether Certain associations of legal voters in Newburyport to be deemed municipal parties, etc.

city, state or national, shall not affect his right to vote or take part in the caucuses of any such municipal party.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

Chap.192 AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR THE ASSESSMENT OF DAMAGES ARISING FROM THE IMPROVEMENT OF WALTER STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Time for filing petitions for assessment of certain damages in the city of Boston extended.

SECTION 1. The time within which any person may file his petition in the superior court for damages arising from any taking of land or from any change of grade of streets in the relocation and reconstruction of Walter street in the West Roxbury district of the city of Boston, made in accordance with the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto, is hereby extended to the first day of July in the year nineteen hundred and four. But interest shall not be reckoned upon damages before the petition is filed.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1904.

Chap.193 AN ACT TO INCORPORATE THE OXFORD WATER COMPANY.

Be it enacted, etc., as follows :

Oxford Water Company incorporated.

SECTION 1. Lawrence F. Kilty, Charles H. Willington, Alfred M. Chaffee, Herbert V. Chaffee, Joseph L. Brown, Byron Clark, Leonard E. Thayer, Henry A. Larned, James B. Campbell, George E. Chaffee, David N. Taft, Harold Parker and Flourith H. Darling, their associates and successors, are hereby made a corporation by the name of the Oxford Water Company, for the purpose of supplying the town of Oxford and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other proper purposes.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take, or acquire by purchase or otherwise, and hold, as provided in the following section, the waters of any pond, brook, spring, existing aqueducts, or any stream, within the limits of said town, except the Maanexit or French river, and may take water by means of bored, driven, artesian or other wells, to be constructed on any land

within the limits of said town, together with any adjacent lands which may be necessary for the preservation of the purity of the water, and such land as may be necessary for any reservoir, standpipe or pumping station; also the lands, rights of way and easements necessary for preserving and holding said water and for conveying the same over or under private lands and public or private ways, and, on approval of the board of railroad commissioners, over and under railroads and railways, if necessary for the purposes aforesaid: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and approval of the state board of health. Proviso.

SECTION 3. Said corporation shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester, a description and map thereof, sufficiently accurate for identification, with a statement signed by the president and treasurer of the corporation of the purpose for which the same were taken. The recording shall operate as a taking of the real estate and rights and easements therein described. Description of lands, etc., to be recorded, etc.

SECTION 4. Said corporation may also, by lease or purchase, acquire for its purposes other sources of water supply and other lands and water power for the purpose of operating pumping stations. May acquire other sources of water supply, etc.

SECTION 5. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value twenty-five thousand dollars. Its capital stock shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each. If necessary for the purposes of said corporation an increase of capital stock may be authorized by the commissioner of corporations, in the manner provided in sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws. The corporation may issue bonds and secure the same by mortgage of its franchise and other property: *provided*, that the total amount of such bonds shall not exceed the amount of its capital stock actually paid in. Such bonds shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be denominated on the face thereof, Oxford Real estate.
Capital stock.
May issue mortgage bonds.
Proviso.
Oxford Water Company Loan.

Certificate to
be filed before
bonds are
issued, etc.

Location of
pipes, etc.

Damages.

Distribution
of water, etc.

Town of
Oxford may
take franchise,
property, etc.

Statement of
receipts and
expenditures,

Water Company Loan. They shall be issued only in such amounts as may from time to time upon investigation by the commissioner of corporations be deemed by him to be reasonably requisite for the purposes for which such corporation is established. A certificate setting forth the decision of the commissioner shall be filed in the office of the secretary of the Commonwealth before the bonds are issued, and the proceeds shall be applied to such purposes as may be specified in the decision of the commissioner.

SECTION 6. The company may construct and maintain its main and distributing pipes in and under any public ways in said Oxford, first obtaining the direction of the selectmen as to where the main line of water pipe shall be located on any street. The construction and repairs shall be so carried on as not to prevent the convenient passage of vehicles.

SECTION 7. Any person sustaining damage by reason of any taking of property or other act done under authority of this act may have the damage assessed in the manner provided in chapter forty-eight of the Revised Laws.

SECTION 8. Said corporation may distribute water in the town of Oxford, may make all reasonable regulations concerning the use of water, and may fix and collect rates to be paid therefor; may make contracts with the town or with any fire district which may hereafter be established therein, or with any individual or corporation; and may supply water for the extinguishment of fires, or for any other purpose for which water is ordinarily supplied, and may establish public fountains and hydrants and relocate and discontinue the same.

SECTION 9. The town of Oxford shall have the right at any time to take by purchase or by the exercise of the right of eminent domain, the franchise, property, rights and privileges of said corporation on payment of the actual cost thereof; and unless the dividends earned and declared by said company on its stock shall be equal to or in excess of five per cent per annum there shall be added to the first cost such a sum as will make the net return to the stockholders five per cent per annum on the investment. If said town shall so take said property it may as part payment assume any indebtedness of said corporation incurred in the construction or improvement of the property, by lawful issue of bonds secured by mortgage. Said corporation shall furnish to the town of Oxford, under

oath, an itemized statement of the cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said system and any extension thereof, and shall furnish to said town annually an itemized statement, under oath, of its receipts and expenditures and of the dividends paid on its stock, which shall be submitted by the selectmen to the citizens of the town at the annual town meeting. The authority to purchase or take the franchise and property of said corporation shall be exercised by said town only after the town has voted to purchase or take the same by a two thirds vote of the voters of the town present and voting thereon at a meeting legally called for that purpose. And the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the Worcester district of the county of Worcester a declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon showing that it was passed by a two thirds vote as herein required.

etc., to be
furnished
annually, etc.

SECTION 10. This act shall take effect, so far as the said corporation is concerned, upon its acceptance by a two thirds vote of the voters of the town voting thereon by ballot at a town meeting legally called for the purpose. If not so accepted when first submitted it may be resubmitted at subsequent town meetings legally called for that purpose: *provided*, that it shall not be voted upon by the town more than once in any one year. This act shall become null and void unless the corporation is fully organized and has begun the work of construction herein authorized within three years after the date of the passage of the act.

When to take
effect.

Proviso.

SECTION 11. So far as respects the submission of this act to the said town it shall take effect upon its passage.

Submission
of act.

Approved March 31, 1904.

AN ACT RELATIVE TO REGULATIONS CONCERNING THE HEIGHT AND
WEIGHT OF MEMBERS OF FIRE DEPARTMENTS.

Chap.194

Be it enacted, etc., as follows:

SECTION 1. No regulations concerning the height or weight of persons who shall be eligible to become members of the fire department in any city or town shall be made or enforced except by the city council of such city,

Height and
weight of
members
of fire
departments.

by the selectmen of such town, or by the board or officer having authority to make appointments in the fire department of such city or town.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

Chap.195 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO BORROW MONEY FOR PARK PURPOSES BEYOND ITS DEBT LIMIT.

Be it enacted, etc., as follows :

Fall River
Park Loan.

SECTION 1. The city of Fall River, for the purpose of completing the work of construction begun upon its public parks, may incur indebtedness beyond the limit fixed by law to an amount not exceeding fifty thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be denominated Fall River Park Loan ; shall be payable within such periods, not exceeding ten years from the date thereof, and shall bear such rate of interest, not exceeding four per cent per annum, as the city council may determine. They shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but shall not be reckoned in determining the legal limit of indebtedness of the city.

Not to be
reckoned in
determining
debt limit.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

Chap.196 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS FOR SEWER PURPOSES BEYOND ITS DEBT LIMIT.

Be it enacted, etc., as follows :

Fall River
Sewer Loan,
1904.

SECTION 1. The city of Fall River, for the purpose of extending its sewer system, may incur indebtedness beyond the limit fixed by law, to an amount not exceeding one hundred thousand dollars, and may issue bonds, notes or scrip therefor, payable within such periods, not exceeding thirty years from the date thereof, and bearing such rate of interest, not exceeding four per cent per annum, as its city council may determine. Such bonds, notes or scrip shall bear upon their face the words, Fall River Sewer Loan, 1904, and shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition

thereto, but shall not be reckoned in determining the legal limit of indebtedness of the city.

Not to be reckoned in determining debt limit.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN ADDITIONAL WATER LOAN.

Chap.197

Be it enacted, etc., as follows :

SECTION 1. The city of Brockton, for the purposes stated in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, may issue from time to time notes, bonds or scrip signed by its treasurer and countersigned by its mayor, to be denominated on their face, Brockton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized to be issued by the town or city of Brockton for the same purposes. Such notes, bonds or scrip shall be issued upon the same terms and conditions and with the same provisions as are contained in said act for the issue of the Brockton water loan by the town of Brockton : *provided*, that the whole amount of notes, bonds or scrip issued by the said town and city for the said purposes shall not exceed one million and twenty thousand dollars.

Brockton Water Loan.

Proviso.

SECTION 2. Such notes, bonds or scrip shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but the same shall not be reckoned in determining the legal limit of indebtedness of the said city.

Not to be reckoned in determining debt limit, etc.

SECTION 3. This act shall take effect upon its acceptance by a vote of two thirds of all the members of each branch of the city council of said city.

When to take effect.

Approved March 31, 1904.

AN ACT RELATIVE TO THE CIVIL SERVICE RULES AND REGULATIONS.

Chap.198

Be it enacted, etc., as follows :

SECTION 1. No rules shall be made or enforced by the civil service commissioners which shall prevent the certification for the same office, on at least three separate occasions, of any person whose name is on any register. But in case the said commissioners shall find upon investigation that any person who has once or twice so been certified

Civil service rules and regulations.

is morally unfit to hold the office or position in question, he shall not be entitled to be certified again.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

Chap.199 AN ACT TO INCORPORATE THE ASSABET INSTITUTION FOR SAVINGS.

Be it enacted, etc., as follows :

Assabet
Institution
for Savings
Incorporated.

SECTION 1. Clarence J. Bodfish, Abel G. Haynes, Charles H. Persons, William R. Hall, Frank U. Rich, William B. Case, S. Raymond Kitchin, Frank H. Harri- man, John W. Ogden, Orrin S. Fowler, M. Howell Gar- field, Alfred T. Haynes, Thomas F. Parker, Bartholomew J. Coughlin, James F. Sweeney and Howard A. Wilson, their associates and successors, are hereby made a corpo- ration by the name of the Assabet Institution for Savings, with authority to establish and maintain a savings bank in the town of Maynard, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

Chap.200 AN ACT RELATIVE TO THE DISPOSITION OF UNCLAIMED DIVIDENDS, BOOKS AND PAPERS OF INSOLVENT TRUST COMPANIES.

Be it enacted, etc., as follows :

Disposition of
unclaimed
dividends, etc.,
of insolvent
trust
companies.

SECTION 1. The provisions of section fifty-six of chap- ter one hundred and thirteen of the Revised Laws shall apply to and govern receivers in the disposition of un- claimed dividends, books and papers of insolvent trust companies.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

Chap.201 AN ACT RELATIVE TO THE MANNER OF VOTING FOR WARD COM- MITTEES.

Be it enacted, etc., as follows :

R. L. 11, § 119,
amended.

SECTION 1. Section one hundred and nineteen of chap- ter eleven of the Revised Laws is hereby amended by in- serting after the word "for", in the third line, the words : — ward committees or for, — so as to read as follows : —

Section 119. A cross [X] marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of an entire group of candidates for ward committees or for delegates to a convention shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

A voter may vote for groups by single cross, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1904.

AN ACT TO AUTHORIZE THE HUDSON GAS LIGHT COMPANY AND THE MARLBOROUGH GAS LIGHT COMPANY TO CONSOLIDATE.

Chap. 202

Be it enacted, etc., as follows:

SECTION 1. The Hudson Gas Light Company is hereby authorized, upon a vote of its stockholders at a meeting legally called for that purpose, to sell, assign, transfer and convey its locations, contracts, rights, licenses, privileges, franchises and other property to the Marlborough Gas Light Company, which is hereby authorized, upon a vote of its stockholders at a meeting legally called for that purpose, to purchase the same; and upon such sale, assignment, transfer and conveyance the said properties shall be held and enjoyed by the said Marlborough Gas Light Company in as full and complete a manner as the same are now held and enjoyed by the said Hudson Gas Light Company.

The Hudson Gas Light Company may transfer its property to the Marlborough Gas Light Company, etc.

SECTION 2. If the Hudson Gas Light Company shall vote to sell and the Marlborough Gas Light Company shall vote to purchase the said properties, the said Marlborough Gas Light Company shall have authority to change its name to the Marlborough-Hudson Gas Company, and shall have authority, for the sole purpose of effecting such purchase and transfer, to increase its capital stock by an amount equal to the amount of the capital stock of the Hudson Gas Light Company now outstanding, and to exchange the shares of such increased stock for shares of the capital stock of the Hudson Gas Light Company: *provided, however,* that the Marlborough Gas Light Company shall, upon the transfer and conveyance to it as above named, assume and be responsible for all debts, liabilities and obligations of the Hudson Gas Light Company.

May change name, increase capital stock, etc.

Proviso.

Disposition of
stock of selling
corporation.

The Hudson
Gas Light
Company to
be dissolved.

When to take
effect, etc.

SECTION 3. The stock of the selling corporation received by the purchasing corporation as part of the transaction hereby authorized shall become the property of the purchasing corporation. Such stock shall not be sold, assigned, transferred or conveyed in whole or in part by the purchasing corporation, but shall be held by it to its use; and whenever all the properties of the Hudson Gas Light Company shall have been transferred to and vested in the Marlborough Gas Light Company, and the indebtedness of the Hudson Gas Light Company paid, the Hudson Gas Light Company shall be dissolved, in the manner provided by law, upon the petition either of the Hudson Gas Light Company, the consolidated company, or the board of gas and electric light commissioners.

SECTION 4. This act shall take effect upon its passage, but it shall become void if the said consolidation and union shall not have been effected according to the provisions hereof on or before the first day of January, nineteen hundred and five.

Approved April 2, 1904.

Chap. 203

AN ACT TO PROVIDE FOR THE DRAINAGE OF THE LOW LANDS AND MEADOWS AROUND CERTAIN GREAT PONDS IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

The prop-
rietors of
low lands
and meadows
around certain
great ponds in
the county of
Dukes County
may organize,
etc.

SECTION 1. The proprietors of low lands and meadows around any great pond in the county of Dukes County, excepting the Edgartown Great pond, or a majority of such proprietors in interest, either in value or area, may organize and hold meetings in the manner provided in chapter one hundred and twenty-three of the Revised Laws for organizing and holding meetings by the proprietors of general fields. Each proprietor shall have the same right to vote at such meetings as is provided for proprietors of general fields in said chapter.

May choose
commis-
sioners, etc.

SECTION 2. Whenever the proprietors of low lands and meadows around any great pond in the county of Dukes County, excepting the Edgartown Great pond, or a majority of them organize, as is provided in the preceding section, they may choose three commissioners, who shall hold office for one year or until their successors are elected and qualified, and who shall be sworn to the faithful and impartial performance of their duties. They may also

choose a clerk and collector and such other officers as may be necessary or convenient.

SECTION 3. The commissioners shall do or cause to be done whatever may be necessary to properly drain the low lands and meadows around such great pond, and shall assess the cost thereof upon all of the proprietors whose lands are benefited by such draining, according to the area, quality and situation of each person's part thereof, and to the benefit that he will derive from such improvement, and shall submit a written account of their doings to said proprietors annually, together with a full account of all receipts and expenditures.

Commissioners' duties, etc.

SECTION 4. The commissioners shall give the collector a warrant to collect and to pay over and account for the assessments to such person as they may appoint. In collecting the assessments the collector shall have the powers and shall proceed in the manner provided for the collection of town taxes.

Collection of assessments, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 2, 1904.

AN ACT RELATIVE TO THE DISSECTION OF THE BODIES OF MURDERERS.

Chap. 204

Be it enacted, etc., as follows :

Section four of chapter seventy-seven of the Revised Laws is hereby amended by striking out the word "sheriff", in the third line, and inserting in place thereof the words : — warden of the state prison, — so as to read as follows : — *Section 4.* Upon conviction of murder in the first degree, the court may order the body of the convict after his execution to be dissected. The warden of the state prison shall in such case deliver it to a professor of anatomy or surgery in a medical school established by law in this Commonwealth, if so requested ; otherwise, he shall, unless the convict's friends desire it for interment, deliver it to any surgeon attending to receive it who will undertake to dissect it.

R. L. 77, § 4, amended.

Bodies of murderers may be dissected.

Approved April 2, 1904.

AN ACT TO REPEAL THE LAW AUTHORIZING THE APPOINTMENT OF A STEWARD AT THE REFORMATORY PRISON FOR WOMEN.

Chap. 205

Be it enacted, etc., as follows :

SECTION 1. Section thirty-seven of chapter two hundred and twenty-three of the Revised Laws, authorizing

R. L. 223, § 37, repealed.

the appointment of a steward at the reformatory prison for women, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1904.

Chap.206 AN ACT RELATIVE TO THE SETTLEMENT OF ESTATES OF ABSENTEES.

Be it enacted, etc., as follows :

R. L. 144, § 4,
amended.

SECTION 1. Section four of chapter one hundred and forty-four of the Revised Laws is hereby amended by striking out the word "cause", in the third line, and inserting in place thereof the word:—order,—and by striking out all of said section after the word "Commonwealth", in the tenth line,—so as to read as follows:—

Notices in
cases of
settlement of
estates of
absentees.

Section 4. The return day of said notice shall be not less than thirty nor more than sixty days after its date. The court shall order said notice to be published in one or more newspapers within the Commonwealth, once in each of three successive weeks and to be posted in two or more conspicuous places in the city or town in which the absentee last resided or was known to have been either temporarily or permanently and upon each parcel of land named in the officer's schedule, and a copy to be mailed to the last known address of such absentee. The court may order other and further notice to be given within or without the Commonwealth.

1902, 544, § 20,
repealed.

SECTION 2. Section twenty of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, which amends section twelve of chapter one hundred and forty-four of the Revised Laws, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1904.

Chap.207 AN ACT RELATIVE TO THE ANNUAL MEETINGS OF THE STOCKHOLDERS OF CORPORATIONS.

Be it enacted, etc., as follows :

1903, 437, § 20,
amended.

SECTION 1. Section twenty of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the word "sixty", in the fourth line, and inserting in place thereof the word:—ninety,—so that the first sentence of the section will read as follows:—There shall be an annual meeting of the stockholders and the time and place of

Meetings of
stockholders.

holding it, and the manner of conducting it, shall be fixed by the by-laws; but it shall be held within ninety days after the end of the fiscal year of the corporation.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1904.

AN ACT RELATIVE TO THE INVESTMENTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Chap. 208

Be it enacted, etc., as follows:

SECTION 1. Sub-division *d* of clause second of section twenty-six of chapter one hundred and thirteen of the Revised Laws is hereby amended by adding to said clause the words: — or of any incorporated water district of said states whose bonds or notes are a direct obligation on all the taxable property of such district, and whose net indebtedness does not exceed three per cent of such valuation, — so as to read as follows: — *d.* In the bonds or notes of any city of Maine, New Hampshire, Vermont, Rhode Island or Connecticut, whose net indebtedness does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes; or of any county or town of said states whose net indebtedness does not exceed three per cent of such valuation, or of any incorporated water district of said states whose bonds or notes are a direct obligation on all the taxable property of such district, and whose net indebtedness does not exceed three per cent of such valuation.

R. L. 118, § 26,
amended.

Investments
of savings
banks and
institutions
for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1904.

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN STATE DOCUMENTS TO LAW LIBRARIES.

Chap. 209

Be it enacted, etc., as follows:

All incorporated law libraries in Massachusetts shall be entitled to receive from the officers of the Commonwealth charged with the distribution of the same, copies of all books and documents to which the county law libraries are entitled under any general or special law, and one additional copy for each branch library maintained by them.

Certain state
documents to
be distributed
to law
libraries.

Approved April 9, 1904.

Chap.210 AN ACT TO AUTHORIZE SAVINGS BANKS TO LOAN UPON NOTES SECURED BY BONDS OF CERTAIN STREET RAILWAY COMPANIES, AS COLLATERAL.

Be it enacted, etc., as follows :

Investments
of savings
banks and
institutions
for savings.

SECTION 1. Savings banks and institutions for savings may invest their deposits and the income derived therefrom in the note or notes of any citizen of this Commonwealth, with a pledge as collateral, at not more than the par value thereof, of the bonds of street railway companies in which the savings banks of the Commonwealth are authorized by law to invest.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap.211 AN ACT TO REPEAL THE LAW RELATIVE TO THE RECOVERY OF SUMS EXPENDED FOR THE SUPPORT OF POOR CONVICTS.

Be it enacted, etc., as follows :

R. L. 224,
§§ 34, 35, 36
and 37,
repealed.

SECTION 1. Sections thirty-four, thirty-five, thirty-six and thirty-seven of chapter two hundred and twenty-four of the Revised Laws, relative to the recovery of sums expended for the support of poor convicts, are hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap.212 AN ACT RELATIVE TO THE ADMISSION OF MEN TO THE BOSTON NORMAL SCHOOL.

Be it enacted, etc., as follows :

Men may be
admitted to the
Boston normal
school.

SECTION 1. The school committee of the city of Boston may admit men to the normal school maintained by that city, under such restrictions and subject to such regulations as the committee may deem advisable.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap.213 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS THE MOUTH OF THE SANTUIT RIVER.

Be it enacted, etc., as follows :

A bridge may
be constructed
across the
Santuit river.

SECTION 1. Charles L. Gifford is hereby authorized to build, at his own expense, a suitable bridge or other struc-

ture across the mouth of the Santuit river in the town of Barnstable : *provided*, that the said structure shall conform Proviso. to a plan submitted to and approved by the board of harbor and land commissioners before its construction.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT RELATIVE TO THE TRANSFER OF OFFICERS FROM JAILS AND HOUSES OF CORRECTION TO STATE INSTITUTIONS.

Chap. 214

Be it enacted, etc., as follows :

SECTION 1. Section ten of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the word "or", in the second and sixth lines, by inserting after the word "reformatory", in the second line, the words : — or the temporary industrial camp for prisoners, — and by inserting after the word "reformatory", in the seventh line, the words : — or the superintendent of the temporary industrial camp for prisoners, — so as to read as follows : — *Section 10.* An officer in a jail or house of correction may be transferred to the state prison, the Massachusetts reformatory, or the temporary industrial camp for prisoners as a watchman ; and if the place in which he is employed is not in the classified list prepared by the civil service commissioners, they shall give him a non-competitive examination as to his fitness, upon receipt from the warden of the state prison, the superintendent of the Massachusetts reformatory or the superintendent of the temporary industrial camp for prisoners of a statement that the appointment of such officer is desired and that he possesses particular qualifications for the work which will be required of him.

R. L. 225, § 10, amended.

Officers in jails and houses of correction may be transferred to state institutions.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT RELATIVE TO THE QUALIFICATIONS OF SUPERINTENDENTS OF SCHOOLS.

Chap. 215

Be it enacted, etc., as follows :

In all superintendency unions in which any part of the expense of the superintendent is borne by the Commonwealth the state board of education shall determine, by examination or otherwise, the qualifications of candidates for the position of superintendent of public schools ; and,

Qualifications of candidates for superintendent of schools how determined in certain cases, etc.

Proviso.

after the first day of January in the year nineteen hundred and five, no person shall be elected to such position who does not hold a certificate of fitness and competency from said board : *provided, however, that this act shall not apply to any superintendency union in which one town does not receive aid from the Commonwealth for expense of a superintendent, until the termination of the contract, if any, existing between such towns at the time of the passage of this act.*

Approved April 9, 1904.

Chap. 216 AN ACT RELATIVE TO THE RELEASE ON PERMIT OF PRISONERS SENTENCED TO THE STATE FARM.

Be it enacted, etc., as follows :

R. L. 85, § 89,
amended.

The state
board of
charity may
order return of
prisoners on
permits or
issue further
permits to be
at liberty.

SECTION 1. Section thirty-nine of chapter eighty-five of the Revised Laws is hereby amended by adding at the end of said section the words : — or, if subsequent to such return it shall be deemed advisable by said board, the board may issue to such person further permits to be at liberty under the provisions of section thirty-eight, and subject to revocation as therein provided, — so as to read as follows : — *Section 39.* Upon the revocation of such permit, said board may issue an order for the return of the holder thereof to the state farm, which may be served by any officer authorized to serve criminal process. Upon his return to the state farm, the holder of such permit shall be detained for the residue of the term for which he might be held under the provisions of section thirty-seven and the time between his release on permit and said return shall not be considered as any part of said term ; or, if subsequent to such return it shall be deemed advisable by said board, the board may issue to such person further permits to be at liberty under the provisions of section thirty-eight, and subject to revocation as therein provided.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap. 217 AN ACT RELATIVE TO THE SALE FOR PURPOSES OF DISTRIBUTION OF REAL ESTATE BELONGING TO THE ESTATE OF AN INTESTATE.

Be it enacted, etc., as follows :

R. L. 146, § 18,
amended.

SECTION 1. Section eighteen of chapter one hundred and forty-six of the Revised Laws is hereby amended by striking out the words “ unless the appraisal shows that

it exceeds fifteen hundred dollars in value", in the fourth and fifth lines, so as to read as follows:— *Section 18.* The probate court may, upon the petition of an administrator, with the consent of all parties interested or after notice, license him to sell the real property or any undivided interest therein belonging to the estate of the intestate in such manner and upon such notice as the court orders, for the purpose of distribution; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts in consequence of a deficiency in the personal property, shall, after two years from the time of the filing of the administrator's bond, be distributed to the persons who would have been entitled to said real property and in the proportions to which they would have been entitled had it not been sold.

Sale of real property of an intestate for distribution.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT RELATIVE TO THE TRIAL OF FEMALE DEFENDANTS.

Chap. 218

Be it enacted, etc., as follows:

SECTION 1. In all trials in police, district and municipal courts, male and female prisoners shall not be placed at the same time in the same dock, unless they are complained of jointly.

Trial of female defendants.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE IN THE PROBATE COURT FOR THE COUNTY OF PLYMOUTH.

Chap. 219

Be it enacted, etc., as follows:

Section twenty-nine of chapter one hundred and sixty-four of the Revised Laws is hereby amended by striking out the word "five", in the twentieth line, and inserting in place thereof the word:— nine,— so that the part of said section relating to the county of Plymouth shall read as follows:— Of Plymouth, nine hundred dollars, payable by the Commonwealth upon the audit and approval of the accounts of the register therefor by the judge of probate and insolvency.

R. L. 164, § 29, amended.

Additional clerical assistance in probate court, county of Plymouth.

Approved April 9, 1904.

Chap. 220 AN ACT RELATIVE TO THE COMMITMENT AND DISCHARGE OF HABITUAL TRUANTS, ABSENTEES AND SCHOOL OFFENDERS.

Be it enacted, etc., as follows:

R. L. 46, § 3,
etc., amended.

SECTION 1. Section three of chapter forty-six of the Revised Laws, as amended by section one of chapter three hundred and thirty of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "for not more than two years", in the eighth and ninth lines, so as to read as follows: — *Section 3.* A child between seven and fourteen years of age who wilfully and habitually absents himself from school contrary to the provisions of section one of chapter forty-four shall be deemed to be an habitual truant, and, unless placed on probation as provided in section seven of this chapter, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, and, if a girl, to the state industrial school for girls; but if the girl is under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

Habitual
truants, com-
mitment of, etc.

R. L. 46, § 4,
etc., amended.

SECTION 2. Section four of chapter forty-six of the Revised Laws, as amended by section two of said chapter three hundred and thirty, is hereby further amended by striking out the words "for not more than two years", in the tenth and eleventh lines, so as to read as follows: —

Habitual
absentees,
commitment
of, etc.

Section 4. A child between seven and sixteen years of age who may be found wandering about in the streets or public places of any city or town, having no lawful occupation, habitually not attending school, and growing up in idleness and ignorance, shall be deemed to be an habitual absentee, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer or any other person and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

R. L. 46, § 5,
etc., amended.

SECTION 3. Section five of chapter forty-six of the Revised Laws, as amended by section three of said chapter three hundred and thirty, is hereby further amended by striking out the words "for not more than two years", in

the ninth and tenth lines, so as to read as follows : — *Section 5.* A child under fourteen years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, shall be deemed to be an habitual school offender, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

Habitual school offenders, commitment of, etc.

SECTION 4. Section eight of said chapter forty-six is hereby amended by inserting after the word " school ", where that word first occurs in the twenty-ninth line, the words : — A child who has been committed to a county truant school, whether he be confined at the county truant school or on parole as provided in this section, shall be discharged from the custody and care of such school upon his becoming sixteen years of age, — so as to read as follows : — *Section 8.* County commissioners, if they think it will be for the best interest of any child who has been committed to a county truant school under their control, after notice and an opportunity to be heard has been given to the superintendent of schools or, if there is no superintendent, to the school committee of the city or town from which such child was committed to said school, may permit him to be at liberty upon such conditions as said commissioners may deem best ; or, with the approval of the court which imposed the sentence, they may discharge him from said school ; and upon such parole or discharge they shall make an entry upon their records of the name of such child, the date of parole or discharge and the reason therefor ; and a copy of such record shall be transmitted to the court or magistrate by whom such child was committed and to the school committee of the city or town from which he was committed. If such child, in the opinion of said commissioners, violates the conditions of his parole at any time previous to the expiration of the term for which he was committed to said school, such parole may be revoked. If a superintendent of schools or a school committee furnishes evidence satisfactory to said commissioners of the

R. L. 46, § 8, amended.

Permits to be at liberty may be issued in certain cases, etc.

Parole may be revoked, etc.

violation by a child of the conditions of his parole, said commissioners shall revoke such parole, and may thereupon issue an order directed to the truant or police officers of any city or town to arrest such child wherever found and return him to said school. Such officer shall arrest such child and return him to said school, where he shall be held, subject to the provisions of this chapter, for the residue of the term of the original sentence. The expense of such arrest and return, so far as approved by the commissioners, shall be paid by the county or counties maintaining said school. A child who has been committed to a county truant school, whether he be confined at the county truant school or on parole as provided in this section, shall be discharged from the custody and care of such school upon his becoming sixteen years of age. Releases from the parental school of the city of Boston shall be governed by the provisions of chapter five hundred and fourteen of the acts of the year eighteen hundred and ninety-six, and shall be made by the trustees for children who shall have and exercise the powers given by said chapter to the institutions commissioner of said city.

To be discharged at the age of sixteen years.

Releases from parental school of Boston.

SECTION 5. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap. 221 AN ACT TO AUTHORIZE THE WENTWORTH INSTITUTE TO HOLD REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

The Wentworth Institute may hold real and personal estate.

SECTION 1. The Wentworth Institute is hereby authorized to hold, for the purposes for which it is incorporated, real and personal estate to an amount not exceeding five million dollars in value, including the amount which it is already authorized by law to hold.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

Chap. 222 AN ACT IN FURTHER ADDITION TO THE ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND THREE.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess

of the appropriations therefor in the year nineteen hundred and three, to wit: —

For transportation and medical examination of state paupers under the charge of the state board of insanity, the sum of twelve hundred and one dollars, which shall be paid from the appropriation for the present year.

Transportation, etc., of state paupers.

For compensation of officers and men of the volunteer militia, the sum of three thousand forty dollars and seventy-six cents, which shall be paid from the appropriation for the present year.

Militia compensation.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT RELATIVE TO THE TAKING OF BLACK BASS.

Chap.223

Be it enacted, etc., as follows:

SECTION 1. Section sixty-nine of chapter ninety-one of the Revised Laws, relative to the taking of black bass, is hereby repealed.

R. L. 91, § 69, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1904.

AN ACT RELATIVE TO THE IMPRISONMENT OF WOMEN SENTENCED TO HARD LABOR.

Chap.224

Be it enacted, etc., as follows:

Section sixteen of chapter two hundred and twenty of the Revised Laws is hereby amended by striking out all after the word "orders", in the third line, so as to read as follows: — *Section 16.* A sentence of a female convict of whatever age to confinement at hard labor shall be executed in the jail, house of correction or reformatory prison for women as the court orders.

R. L. 220, § 16, amended.

Imprisonment of women sentenced to hard labor.

Approved April 11, 1904.

AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO INCREASE ITS WATER SUPPLY.

Chap.225

Be it enacted, etc., as follows:

SECTION 1. The town of Uxbridge, for the purpose of increasing its water supply by means of driven, artesian or other wells, and by the construction and maintenance of filter beds, reservoirs and other works or structures, may take from time to time, by purchase or otherwise, and

Town of Uxbridge may take certain lands, water, etc.

hold, any land within the limits of said town, together with any water or water rights therein, and, also, all lands, rights of way and easements necessary for procuring, holding, protecting and distributing said water, and for any other purpose connected with the maintenance of said water supply : *provided*, that no source of water supply for domestic purposes and no lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the state board of health.

Proviso.

May erect structures, lay pipes, etc.

SECTION 2. Said town may erect on the lands taken or held under authority of this act such wells, galleries, dams, fixtures, reservoirs and other structures as it may deem proper, and may make such excavations and procure and operate such machinery and do such other things as may be necessary for providing and maintaining effective water works ; and for that purpose may lay and maintain aqueducts, conduits, pipes and other works under and over any lands or ways within said territory, and under or along any ways in said town, in such manner as shall not unnecessarily obstruct the same.

Description of lands, etc., to be recorded.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of ways, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the selectmen of said town.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation entitled to damages under this act, who fails to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, by making application at any time within one year after the taking of such land or other property, or the doing of any other injury under authority of this act ; but no application shall be made after the expiration of said one year. No application for assessment of damages shall be made for the taking of any water or water rights, or any injury

thereto, until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. The town of Uxbridge, for the purposes mentioned in this act, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding the sum of fifty thousand dollars. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the chairman of the selectmen, and shall be denominated on the face thereof, Uxbridge Water Loan, Act of 1904. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of such bonds, notes or scrip; and the town shall raise annually by taxation the amount required to meet the interest and the proportion of the principal which is payable annually.

Uxbridge
Water Loan,
Act of 1904.

Town to raise
a certain sum
by taxation
annually.

SECTION 6. This act shall take effect upon its passage.

Approved April 11, 1904.

AN ACT RELATIVE TO PARADES IN PUBLIC WITH IMITATION FIREARMS.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-seven of chapter sixteen of the Revised Laws is hereby amended by striking out the words "under eighteen years of age", in the eighteenth line, so as to read as follows: — *Section 147.* No body of men, except the volunteer militia, the troops of the United States and the Ancient and Honorable Artillery Company of Boston, shall maintain an armory or associate together at any time as a company or organization, for drill or parade with firearms; nor so drill or parade; nor shall any city or town raise or appropriate money toward arming, equipping, uniforming, supporting, or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers re-

Chap. 226

R. L. 16, § 147,
amended.

Drilling, etc.,
of unauthorized
associations with
firearms
prohibited.

Proviso.

Color guards
of grand army
posts, etc., may
parade with
firearms, etc.

turning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the mayor and aldermen of the city or selectmen of the town in which they desire to parade; that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers, and any body of men may, with the consent of the governor, drill and parade in public with any harmless imitation of firearms which has been approved by the adjutant general; that regularly organized posts of the grand army of the republic, and regularly organized camps of the legion of Spanish war veterans, may, at any time, parade, in public, their color guards of not more than twelve men, armed with firearms; that regularly organized camps of the sons of veterans may at any time parade in public their color guards of ten men with firearms; and that any organization heretofore authorized thereto by law may parade with sidearms, and any veteran association composed wholly of past members of the militia of this Commonwealth may maintain an armory for the use of the organizations of the militia to which its members belonged.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1904.

Chap. 227 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO REGULATE THE USE
OF SHEET METAL IN OR ON BUILDINGS.

Be it enacted, etc., as follows:

1892, 419, § 22,
etc., amended.

SECTION 1. Section twenty-two of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, as amended by section two of chapter four hundred and thirteen of the acts of the year eighteen hundred and ninety-seven, is hereby further amended by inserting after the word "ordinance", in the second line, the words: — make requirements for the construction of additions, appliances and structures made in whole or in part of sheet metal, to be placed in or on buildings in said city, and for the placing and removal thereof; and the building commissioner of said city shall make such inspection of said additions, appliances and structures, and of their placing and removal as aforesaid, as is made of the parts of plumbing and of the placing and removal of parts

of plumbing in such buildings; and may by ordinance, — so as to read as follows: — *Section 22.* The city council of said city may by ordinance make requirements for the construction of additions, appliances and structures made in whole or in part of sheet metal, to be placed in or on buildings in said city, and for the placing and removal thereof; and the building commissioner of said city shall make such inspection of said additions, appliances and structures, and of their placing and removal as aforesaid, as is made of the parts of plumbing and of the placing and removal of parts of plumbing in such buildings; and may by ordinance make such requirements, in addition to those contained in this act, as they may deem expedient in relation to the erection and alteration of third class buildings outside the building limits.

Erection, etc., of third class buildings in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1904.

AN ACT RELATIVE TO THE MAINTENANCE OF PUBLIC WAYS ON OR BORDERING UPON LAND OF THE WORCESTER INSANE ASYLUM.

Chap. 228

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Worcester insane asylum are hereby authorized to enter into such agreements from time to time with the proper authorities of the towns of Grafton, Shrewsbury and Westborough, for the care and maintenance of the public ways on or bordering upon the land of the Worcester insane asylum within the said towns, as they shall deem for the best interests of the Commonwealth. In case they contract to maintain and care for such ways, or any of them, they are hereby authorized to use the horses and vehicles belonging to the Commonwealth and under their control for such work, and also the gravel upon the land of the Commonwealth under their control.

Maintenance, etc., of public ways on or bordering upon land of Worcester insane asylum.

SECTION 2. This act shall not be construed to render said trustees, or any of them, or the Commonwealth, liable for any accident that may occur on any of said ways.

Liability for accidents.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1904.

Chap.229 AN ACT RELATIVE TO THE LAYING OUT AND CONSTRUCTING OF
NORTHERN AVENUE AND SLEEPER STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Laying out and
constructing of
Northern
avenue and
Sleeper street
in Boston.

SECTION 1. The release by the New England Railroad Company and its lessee to the city of Boston of land included within Northern avenue as laid out by chapter three hundred and eighty-one of the acts of the year nineteen hundred and three, provided to be made by said company under section three of said act, shall be without prejudice to any claim which said company may have against the Commonwealth, to be paid for a part of said land under an agreement by the Commonwealth with the New York and New England Railroad Company and the Boston and Albany Railroad Company, made on the first day of August, eighteen hundred and eighty-two; and the board of harbor and land commissioners, with the approval of the governor and council, may make an equitable adjustment of any such claim, and the amount thereof as thus adjusted shall be paid out of the Commonwealth's Flats Improvement Fund, upon the order of said board.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1904.

Chap.230 AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE
BOARD TO DETERMINE THE LINES AND GRADES OF THE HIGH LEVEL
METROPOLITAN SEWER ABOVE THE POINT WHERE THE SEWAGE
OF THE CHARLES RIVER VALLEY IS TO BE RECEIVED.

Be it enacted, etc., as follows:

Location, etc.,
of high level
metropolitan
sewer.

SECTION 1. The metropolitan water and sewerage board is hereby authorized to determine the location, elevation and size of the high level metropolitan sewer above the point where the sewage from the Charles River valley is to be received.

Treasurer and
receiver
general to issue
scrip or certifi-
cates of debt,
etc.

SECTION 2. To meet the expenses of determining the said location, as provided in section one, the treasurer and receiver general is authorized to issue scrip or certificates of debt in the name and on behalf of the Commonwealth, and under its seal, to an amount not exceeding seven thousand dollars in addition to the amounts authorized to be issued under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and

ninety-nine, and of chapter three hundred and fifty-six of the acts of the year nineteen hundred and three; and all the provisions of said acts shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1904.

AN ACT RELATIVE TO THE RETIREMENT OF COMMISSIONED OFFICERS
OF THE MILITIA.

Chap. 231

Be it enacted, etc., as follows:

SECTION 1. Section seventy-eight of chapter sixteen of the Revised Laws is hereby amended by striking out the words "at any time during the war of the rebellion", in the eleventh and twelfth lines, and inserting in place thereof the words: — in time of war, — so as to read as follows: —
Section 78. Brigadier generals at the expiration of their term of office shall be placed on the retired list.

R. L. 16, § 78,
amended.

Any commissioned officer in the militia service who has served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time of making such application; but an officer who, at the time of making such application, has remained in the same grade for the continuous period of ten years, or has served as a commissioned officer for the continuous period of fifteen years, or having served in the army or navy of the United States in time of war and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the continuous period of five years, shall be retired with rank next in grade above that held by him at the time of making such application.

Certain commissioned officers of the militia may be placed upon the retired list.

The commander-in-chief may retire any commissioned officer who shall have been ordered by him before a medical board consisting of at least three commissioned medical officers, if such board report him to be physically unable to perform the duties of his office.

SECTION 2. Any officer now upon the retired list who has served in the army or navy of the United States in time of war, shall, at his own request, be given the same rank from the date of his retirement which he would have if retired after the passage of this act.

Rank of certain officers.

Names, etc., of
retired officers
to be printed.

SECTION 3. The names and records of all retired officers shall annually be printed in a separate register in order of their retired rank, to be appended to the report of the adjutant general.

SECTION 4. This act shall take effect upon its passage.

Approved April 12, 1904.

Chap.232 AN ACT TO PERMIT THE TAKING OF ALEWIVES OR HERRING IN HUMMOCK POND IN THE ISLAND OF NANTUCKET.

Be it enacted, etc., as follows :

Taking of fish
in Hummock
pond,
Nantucket,
restricted.

SECTION 1. The inhabitants of the island of Nantucket may take alewives or herring with seines or nets in Hummock pond, south of the bridge in the said island, from the tenth day of March to the thirty-first day of May, inclusive, in each year ; but all fish, other than alewives or herring, caught or taken in such seines or nets shall immediately be put back in the water whence they were taken.

Penalty.

SECTION 2. Any person violating the provisions of this act, by failing to put back immediately as aforesaid fish other than alewives or herring caught or taken as aforesaid, shall be punished by a fine of not less than twenty nor more than fifty dollars.

Repeal.

SECTION 3. So much of section twenty-six of chapter ninety-one of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1904.

Chap.233 AN ACT TO AUTHORIZE THE BOSTON PROTECTIVE DEPARTMENT TO PENSION ITS EMPLOYEES.

Be it enacted, etc., as follows :

The Boston
Protective De-
partment may
pension certain
employees, etc.

SECTION 1. The board of directors of the Boston Protective Department, by a majority vote, shall have authority to retire and place upon a pension roll any employee of the department who is certified in writing by the medical officer of the department to be permanently incapacitated, either mentally or physically, from performing his duties as such employee by reason of injuries received in the actual performance of duty ; or any employee who has performed faithful service in the department for not less than twenty consecutive years and who is sixty-five years of age or over. In case such permanent incapacity amounts

to total disability the annual pension shall be two thirds of the compensation which the pensioner was receiving at the time of his retirement, except that a member of the call or auxiliary force shall receive two thirds of the compensation which the men of the regular force were receiving at the time of his retirement. The pension of members of the regular or of the call force who are retired after having served twenty or more years as aforesaid, and after reaching the age of sixty-five years, or who are permanently incapacitated as aforesaid but not totally disabled, shall be an amount not exceeding one half of their compensation at the time of retirement.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1904.

AN ACT RELATIVE TO THE STATE BOARD OF EDUCATION.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter thirty-nine of the Revised Laws is hereby amended by adding at the end thereof the words: — The board may also employ such assistants or agents, and may provide such clerical and messenger service as may be necessary: *provided*, that the total expense for salaries incurred under this section shall not exceed twenty thousand dollars annually, and that the allowance for travelling expenses of employees under the direction of the board shall not exceed three thousand dollars annually. Such agents shall not be pecuniarily interested, directly or indirectly, in the publication or sale of any text book, school book or article of school supply used in the public schools of this Commonwealth, — so as to read as follows: — *Section 2.* The board may appoint a secretary, who, under its direction, shall make the abstract of school returns required by the provisions of section seven, shall collect and distribute information respecting the condition and efficiency of the public schools and other means of popular education, and the best system of studies and the best method of instruction. The board may also employ such assistants or agents, and may provide such clerical and messenger service as may be necessary: *provided*, that the total expense for salaries incurred under this section shall not exceed twenty thousand dollars annually, and that the allowance for travelling expenses of employees under the direction of the board shall

R. L. 39, § 2,
amended.

Secretary of
state board of
education, ap-
pointment, etc.

Assistants or
agents, etc.

Proviso.

Agents not to be pecuniarily interested in the publication of text books, etc.

not exceed three thousand dollars annually. Such agents shall not be pecuniarily interested, directly or indirectly, in the publication or sale of any text book, school book or article of school supply used in the public schools of this Commonwealth.

Expenses.

SECTION 2. The incidental expenses of the board and the travelling and other necessary expenses of the members thereof, incurred in the performance of their official duties, shall be paid by the Commonwealth.

Repeal.

SECTION 3. Sections three, four, nine, twelve, thirteen, fourteen, fifteen and sixteen of chapter thirty-nine of the Revised Laws are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1904.

Chap. 235

AN ACT TO INCORPORATE THE ASPINWALL WATER COMPANY.

Be it enacted, etc., as follows :

Aspinwall Water Company incorporated.

SECTION 1. DeWitt Bruce, Thomas Baker, Thomas Briant, Bridget M. Mahanna, Frank C. Hagyard, Michael E. Mahanna, James Whyte, Richard A. Stanley and Richard O'Brien, their associates and successors, are hereby made a corporation by the name of the Aspinwall Water Company, for the purpose of furnishing with pure water for the extinguishment of fires and for domestic and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations, the inhabitants of that part of the town of Lenox lying northerly of the following described line, which crosses said town in an easterly and westerly direction, namely :— Beginning at a point in the easterly boundary of the town of Lenox which is in range due east with a stone monument on the easterly side of the main road from Lenox to Pittsfield and which marks the northern boundary of the Lenox fire district ; thence due west to said stone monument ; thence south, eighty degrees west, six hundred and forty-nine feet ; thence south, seventy-one degrees, thirty minutes west, seven hundred and forty-six feet ; thence north, twenty-two degrees west, three hundred sixty-four and seven tenths feet, to cut stone bounds ; thence north, no degrees, thirty-three minutes east, ten hundred twenty-five and one tenth feet ; thence north, one degree, fifteen minutes east, four hundred sixty-three and

The inhabitants of certain part of Lenox may be furnished with water.

eight tenths feet, to a stone monument; thence south, eighty-nine degrees, forty-four minutes west, seven hundred and thirty feet to the northeasterly line of Cliffwood street; thence along said line of said street, north, nineteen degrees, forty-two minutes west, one hundred fifty-five and eight tenths feet; thence north, seventy degrees, forty-two minutes west, sixty-seven and three tenths feet; thence north, thirty-eight degrees, thirty minutes east, two hundred and eighty-nine feet; thence north, twelve degrees, fifteen minutes east, one hundred ninety-nine and seven tenths feet; thence north, fifteen degrees, twelve minutes west, one hundred and eighty feet; thence north, seventy-six degrees, thirty minutes west, six hundred sixty-five and five tenths feet; thence south, no degrees, forty-four minutes west, four hundred and eighty-four feet to the northerly line of the road leading from Lenox to Richmond; thence westerly along said line of said road fifteen hundred and ninety-nine feet; thence north, no degrees, thirty minutes east, four hundred and ninety-one feet to a stone monument; thence north, eighty-eight degrees, forty-five minutes west, eleven hundred and twenty-eight feet; thence south, seventy-three degrees west, one hundred and fifty-eight and four tenths feet; thence south, fifty degrees west, one hundred twelve and two tenths feet; thence south, thirty-six degrees west, three hundred and nine tenths feet; thence south, twenty-three degrees, forty-five minutes west, one hundred and fifty-six feet to a stone monument on the northerly line of the road leading from Lenox village to Richmond; thence westerly along said northerly line of said road two hundred and fourteen feet to lands now of the Lenox Water Company; thence north, forty-two degrees east, one hundred and forty-six feet; thence north, twenty-two degrees west, one hundred and ninety-two feet; thence north, seventy-two degrees west, two hundred and seventy-five feet to the highway leading to Pittsfield and intersecting with the road from Lenox village to Richmond; thence along the easterly line of said road leading to Pittsfield, south, seven degrees east, one hundred and fifty-six feet to an intersection of roads; thence, crossing the highway, to the intersection of the southerly line of the highway leading from Lenox village to Richmond with the westerly line of the highway leading from Pittsfield to Curtisville, now Interlaken; thence from said intersection of said highways

The inhabitants of certain part of Lenox may be furnished with water.

south, two degrees, six minutes east, six hundred forty-three and five tenths feet along the westerly line of the highway leading to Curtisville; thence south, eighty-seven degrees, forty-nine minutes west, two hundred eighty and five tenths feet; thence north, eighty-nine degrees, fifty-six minutes west, nine hundred seventy-three and five tenths feet to the southerly line of the road leading from Lenox to Richmond; and thence north, eighteen degrees, thirty minutes west, to the boundary line between Lenox and Richmond. The foregoing courses are referred to the true meridian.

May take certain waters, water rights, etc.

Proviso.

May take certain lands, rights of way, etc.

May construct structures, lay pipes, etc.

SECTION 2. Said company, for the purposes aforesaid, may lease, take, or acquire by purchase or otherwise, hold and convey through said part of the town of Lenox the water of the Yukon river and any and all of its tributaries in Lenox except that part of said river and its tributaries which lies south of the northern limit of ground on said stream now occupied by the Lenox Water Company, and the waters of any springs or other sources on the watershed of said river, with the water rights connected therewith, except that part which lies south of the northern limit of ground on said stream now used by the Lenox Water Company: *provided*, that no source of water supply for domestic purposes shall be taken under this act without the advice and approval of the state board of health, and that the location of all dams and reservoirs shall be subject to the approval of said board. Said Aspinwall Water Company may also take by purchase or otherwise and hold all lands, rights of way and easements in that part of the town of Lenox, northerly of the line described in section one, which are necessary for taking, holding, storing and improving such water and for conveying the same to and through that part of the town of Lenox which is northerly of the line described in section one of this act.

SECTION 3. Said company may construct on the lands thus taken or acquired proper dams, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any land, water sources, railroads, railways and public or other ways, and along any highway or other way in the town of Lenox, in such manner as not unnecessarily to obstruct the same; and for the purpose

of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all purposes of this act, said company may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel; but all things done upon any such ways shall be subject to the direction of the selectmen of said town.

SECTION 4. The said company shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the middle district of the county of Berkshire a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the company. The recording shall operate as a taking of the real estate and rights and easements therein described.

Description of
lands, etc., to
be recorded.

SECTION 5. The said company shall pay all damages to property sustained by any person by the taking of any land, right of way, water source, water right or easement, or by any other thing done by said company under authority of this act. Any person sustaining damages as aforesaid who fails to agree with the company as to the amount thereof may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of one year after the taking of such land or other property, or the doing of other injury under authority of this act; but no such application shall be made after the expiration of such year. No application for assessment of damages shall be made for the taking of any water, water rights or for any injury thereto until the water is actually withdrawn or diverted by said company under authority of this act.

Damages.

SECTION 6. The said company may distribute the water through that part of the town of Lenox which is northerly of the line described in section one of this act; may establish, fix from time to time, and collect rates for the use of said water; and may make such contracts with the said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon with said town or with such fire district, individual or corporation.

Distribution of
water, etc.

Real estate and
capital stock.

SECTION 7. The said company may, for the purposes aforesaid, hold real estate not exceeding in value ten thousand dollars. Its capital stock shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each. If it be necessary for the purposes of said company an increase of capital stock may be authorized by the commissioner of corporations, in the manner provided in sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws. The company may issue bonds, and may secure the same by mortgage of its franchise and other property: *provided*, that the total amount of such bonds shall not exceed the amount of its capital stock actually paid in. Such bonds shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be denominated on the face thereof, Aspinwall Water Company Loan. They shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which the company is established. A certificate setting forth the decision of the commissioner shall be filed in the office of the secretary of the Commonwealth before the bonds are issued, and the proceeds shall be applied only to such purposes as may be specified in the decision of the commissioner.

May issue
mortgage
bonds.
 proviso.

Certificate to
be filed before
bonds are
issued, etc.

Penalty for
corruption of
water, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act or injures any structure, work or other property, owned, held or used by said company under authority of this act, shall forfeit and pay to said company three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment for a term not exceeding one year.

Town of
Lenox may
take franchise,
property, etc.

SECTION 9. The town of Lenox shall have the right at any time to take, by purchase or by exercise of the right of eminent domain, the franchise, property and all the rights and privileges of the said company on payment of the actual cost thereof, and without the payment of interest on any of the expenditures making up such actual cost. If the town shall so take said property, it may, in part payment therefor, assume any indebtedness of said com-

pany incurred in the construction or improvement of the property, by lawful issue of bonds secured by mortgage. The said company shall furnish to the town of Lenox, under oath, an itemized statement of the cost of the water supply system authorized under this act, together with a copy of the contracts made in providing and constructing said system and any extension thereof, and shall furnish to said town annually an itemized statement, under oath, of its receipts and expenditures, which statement shall be submitted by the selectmen to the citizens of the town at the annual town meeting. The authority to purchase or to take the franchise and property of the said company shall be exercised by said town only after the town has voted to purchase or take the same by a two thirds vote of the voters of the town present and voting thereon at a meeting legally called for that purpose. The taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the middle district of the county of Berkshire a declaration of said taking, which shall include a certified copy of the article in the warrant under which the town acted and of the vote of the town thereon, showing that it was passed by a two thirds vote as herein required. In case the town and the corporation shall be unable to agree upon the actual cost of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, who shall determine the actual cost of said property and whose award, when accepted by the court, shall be final. Such actual cost shall be determined without including any interest on any expenditures made by said company.

Statement of receipts and expenditures, etc., to be furnished annually, etc.

Taking of franchise, etc., subject to a two thirds vote, etc.

In case of disagreement commissioners may be appointed to determine cost, etc.

SECTION 10. The selectmen of said town, upon application of the owner of any land, water or water rights taken under this act, shall require said company to give satisfactory security for the payment of all damages and costs which may be awarded to such owner for the land or other property so taken ; but before requiring such security the selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the selectmen shall in like manner require further security, if at any time the security before required appears to them to have become insufficient ; and all the right or authority of said company to enter upon or use such land or other property, except for

Company may be required to give satisfactory security for payment of damages, etc.

making surveys or tests of the soil, shall be suspended until it gives the security required.

When to take effect.

Proviso.

SECTION 11. This act shall take effect only upon its acceptance by a majority vote of the voters of the town voting thereon by ballot at a town meeting legally called for the purpose. If not so accepted when first submitted, it may be resubmitted at subsequent town meetings legally called for the purpose: *provided*, that it shall not be voted upon by the town more than once in any one year. Except as hereinbefore provided this act shall take effect upon its passage, but it shall become null and void unless work is begun under it within three years after the date of its passage.

Approved April 13, 1904.

Chap. 236 AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO REBUILD THE FINLAY MILL DAM ACROSS CHARLES RIVER AT NEWTON LOWER FALLS.

Be it enacted, etc., as follows:

The metropolitan park commission to reconstruct, etc., the Finlay dam.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, is hereby authorized to repair, reconstruct and maintain at its present height the Finlay dam, so-called, across Charles river, at Washington street, Newton Lower Falls, Newton and Wellesley, at such point on land of the Commonwealth at or near its present site as the commission may deem best.

May make agreements in regard to water power, etc.

SECTION 2. For all purposes consistent with the powers and duties granted to and imposed upon said commission by said chapter four hundred and seven, and acts in amendment thereof and in addition thereto, the said commission is authorized to make agreements with any individual or corporation in regard to the repair, reconstruction or maintenance of said dam, and may make agreements in regard to, or may lease or grant such rights and privileges in, the water power created by the same as it may deem best.

Damages.

SECTION 3. Any owner of land or rights in land which is or may be overflowed or otherwise damaged by the erection or maintenance of the said dam may have his damages assessed by a jury or otherwise, upon a petition filed in the superior court for the county in which the land lies, and such damages so assessed shall be in full compensation for all damages hereafter to be caused by the main-

tenance of said dam forever, but no petition for such damages shall be brought after the expiration of one year from the passage of this act.

SECTION 4. The Commonwealth may answer and maintain in bar to any such petition or in reduction of the damages claimed thereunder any rights and interests which it may have acquired by purchase or otherwise in said dam or for the maintenance thereof, or in the land alleged to be damaged, and any other matter which is in reduction of such damages or which may show that the petitioner cannot maintain the petition, and shall be allowed by way of set-off any benefit caused by such dam to the petitioner in respect to his land.

Rights and
interests of the
Common-
wealth.

SECTION 5. This act shall take effect upon its passage.

Approved April 13, 1904.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO BUILD A BRIDGE OVER MALDEN RIVER WITHIN THE LIMITS OF REVERE BEACH PARKWAY.

Chap.237

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby authorized to build a bridge with a draw across that part of Malden river in Everett and Medford which is within the limits of Revere Beach parkway, and all licenses, permits or approvals necessary for this purpose, heretofore obtained from the board of harbor and land commissioners or from any other authority, are hereby ratified and confirmed.

Bridge to be
built over the
Malden river.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1904.

AN ACT TO AUTHORIZE THE PRINTING AND DISTRIBUTION OF A HISTORY OF THE OFFICIALS OF THE COUNTY OF MIDDLESEX.

Chap.238

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to print, at the expense of that county, the "History of the officials of the county of Middlesex", as prepared by Levi S. Gould, and to distribute the same without charge to the public libraries and other public institutions of the county, and to such other persons and institutions as they may select:

History of the
officials of the
county of
Middlesex to
be printed, etc.

Proviso.

provided, that the whole expense of such printing and distribution shall not exceed seven hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1904.

Chap.239 AN ACT TO LEGALIZE CERTAIN PROCEEDINGS OF THE FIRST BAPTIST SOCIETY OF BROOKFIELD.

Be it enacted, etc., as follows:

Certain proceedings of the First Baptist Society of Brookfield legalized.

SECTION 1. The acts and proceedings of the First Baptist Society of Brookfield, except those of an alleged meeting held on the twenty-eighth day of January in the year nineteen hundred and three, are hereby legalized and confirmed: *provided, however, that nothing contained in this act shall operate to prejudice the vested rights of any person or organization.*

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1904.

Chap.240 AN ACT TO DEFINE THE WORD "NOON" IN THE MASSACHUSETTS STANDARD FIRE INSURANCE POLICY.

Be it enacted, etc., as follows:

The word "noon" in the Massachusetts standard fire insurance policy defined.

SECTION 1. The word "noon", occurring in the Massachusetts standard fire insurance policy, shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1904.

Chap.241 AN ACT TO EXTEND THE APPLICATION OF THE BERTILLON SYSTEM OF MEASUREMENTS.

Be it enacted, etc., as follows:

R. L. 225, § 18, amended.

SECTION 1. Chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out section eighteen and inserting in place thereof the following:

Certain prisoners to be measured and described in accordance with the Bertillon method.

— *Section 18.* Prisoners who have been convicted of a felony and committed under sentence shall, and prisoners who are under sentence as tramps or vagrants may, if deemed advisable for the purpose of subsequent identification, be measured and described in accordance with the Bertillon method for the identification of criminals, by persons in the service of the Commonwealth or of any county, who

may be appointed by the prison commissioners for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1904.

AN ACT TO REGULATE PUBLIC LODGING HOUSES IN CERTAIN CITIES.

Chap. 242

Be it enacted, etc., as follows :

SECTION 1. In cities of over fifty thousand inhabitants every building not licensed as an inn, in which ten or more persons are lodged for a price of twenty-five cents or less for each person for a day of twenty-four hours, or for any part thereof, shall be deemed a public lodging house within the meaning of this act.

Certain build-
ings to be
deemed public
lodging
houses.

SECTION 2. The officer or board having charge of the police in any such city may license persons to keep public lodging houses therein. No fee shall be charged for such license, and it shall expire on the thirtieth day of April next after the granting of the same. Every such license shall specify the street or other place and the number of the building, or give some other particular description thereof, where the licensee shall exercise his employment; and the license shall not protect a person exercising his employment in any other place than that so specified.

Licenses.

SECTION 3. No such license shall be granted in any such city until the inspector of buildings thereof, or the other officer or board having authority to administer the laws and ordinances in regard to the construction of buildings therein, has certified that the building is provided with sufficient means of escape in case of fire, and that suitable appliances are provided for extinguishing fires and for giving alarm to the inmates in case of fire; and such officer or board may from time to time require such alterations to be made or such additional appliances to be provided as may in his or their judgment be necessary for the protection of life and property in case of fire.

Fire escapes,
etc.

SECTION 4. No such license shall be granted in any such city until the board of health thereof has certified that the building is provided with a sufficient number of water closets and urinals, and with good and sufficient means of ventilation; and the said board may from time to time require the licensee thoroughly to cleanse and disinfect all parts of said building and the furniture therein, to the satisfaction of such board.

Board of
health to
certify to
sanitary
conditions, etc.

Register to be kept.

SECTION 5. In every public lodging house a register shall be kept in which shall be entered the name and address of each lodger, together with the time of his arrival and departure, and such register shall at all times be open to the inspection of the police.

Certain officers to have free access to building, etc.

SECTION 6. The keeper of every public lodging house shall at all times, when so required by any officer of the building department, of the health department, or of the police department, give him free access to said house or any part thereof.

Penalties.

SECTION 7. Whoever keeps or holds himself out as keeping a public lodging house without being duly licensed as hereinbefore provided, and whoever is concerned or financially interested in any public lodging house, the keeper of which is not so licensed, shall be punished by a fine not exceeding one hundred dollars; and any keeper of a public lodging house who violates any provision of this act shall be punished by a fine of one hundred dollars, and the licensing board shall immediately revoke his license.

Repeal.

SECTION 8. Chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-four is hereby repealed.

To take effect June 1, 1904.

SECTION 9. This act shall take effect on the first day of June in the year nineteen hundred and four.

Approved April 20, 1904.

Chap.243 AN ACT RELATIVE TO THE TEMPORARY INDUSTRIAL CAMP FOR PRISONERS.

Be it enacted, etc., as follows:

Employment of prisoners at temporary industrial camp, etc.

SECTION 1. Prisoners who are removed to the temporary industrial camp for prisoners shall be governed and employed there under regulations made by the prison commissioners. The Massachusetts highway commission and the board of agriculture shall from time to time, at the request of the prison commissioners, give to them such information as may enable them to prosecute to the best advantage the work of reclaiming and improving waste land and of preparing material for road building by hand labor.

Escape of prisoners.

SECTION 2. A prisoner who escapes from the land or buildings of said camp, or from the custody of an officer while being conveyed thereto, may be pursued and recap-

tured; and upon complaint before any district court or trial justice may be punished for such escape by a sentence of imprisonment at the state farm.

SECTION 3. The prison commissioners in their discretion may issue to any prisoner held at said camp a permit to be at liberty, upon such terms and conditions as they shall prescribe; and all the laws relative to the revocation of permits to be at liberty shall apply to prisoners from said camp.

Permits to be at liberty may be issued, etc.

SECTION 4. The prison commissioners may expend from the appropriation for aiding prisoners discharged from the Massachusetts reformatory such an amount as they consider advisable for aiding prisoners discharged from the temporary industrial camp for prisoners.

Aiding discharged prisoners.

SECTION 5. Section sixty-six of chapter two hundred and twenty-five of the Revised Laws is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved April 20, 1904.

AN ACT RELATIVE TO THE MAINTENANCE OF STATE HIGHWAYS BY THE MASSACHUSETTS HIGHWAY COMMISSION. *Chap.244*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and eighty of the acts of the year nineteen hundred and three is hereby amended by striking out section two and inserting in place thereof the following:— *Section 2.* There may be expended annually out of the treasury of the Commonwealth such sums as the general court may determine to be necessary for the proper maintenance of the state highways, subject to the provisions and limitations of section sixteen of chapter forty-seven of the Revised Laws.

1903, 280, § 2, amended.

Maintenance of state highways.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1904.

AN ACT RELATIVE TO THE LISTING AND REGISTRATION OF VOTERS IN THE CITY OF BOSTON. *Chap.245*

Be it enacted, etc., as follows:

SECTION 1. Whoever in Boston aids or abets a person in knowingly or wilfully making a false affidavit, taking a false oath or signing a false certificate, relative to the qualifications of any person for being listed as a resident thereof or given a certificate of such residence by the board

Registration of voters in Boston, penalty for making false affidavit, etc.

of police, shall be punished by imprisonment for not more than one year.

1903, 279, § 1,
amended.

Board of
police of Bos-
ton to make
lists of male
persons, etc.,
annually.

SECTION 2. Chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* In Boston the board of police shall, within the first seven week days of May in each year, by itself or its officers, visit every building in said city, and after diligent inquiry make true lists, arranged by streets, wards and voting precincts, and containing as nearly as the board can ascertain, the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person, twenty years of age or upwards, residing in said city. Said board shall designate in such lists all buildings used as residences by such male persons, in their order on the street where they are located, by giving the number or other definite description of every such building so that it can be readily identified, and shall place opposite the number or other description of every such building the name, age and occupation of every such male person residing therein on the first day of May in the current year, and his residence on the first day of May in the preceding year. The board shall also inquire at the residences of the women voters whose names are contained in the list transmitted to them by the election commissioners under section eight of this act whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

To make lists
of women
voters.

Lists to contain
names of per-
sons giving
information,
etc.

The board shall place in such lists, opposite the name of every such male person or woman voter, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such male person or woman voter. Where such information is given by one person relating to more than one such male person or woman voter residing in one building, ditto marks may be used in such lists under the name of the person giving the information, after his name has been once placed opposite the name of such male person or woman voter first written down as residing in such building.

Correction of
errors, etc.

The board shall, upon the personal application of a person listed either upon the original or supplementary lists for the correction of any error in their lists, or whenever in-

formed of any such error, make due investigation, and upon proof thereof correct the same on their original or supplementary lists, and shall immediately notify the election commissioners of such correction, who shall correct their copies of said lists accordingly and proceed to revise and correct the registers under the provisions of section fifty-one of chapter eleven of the Revised Laws. The board shall cause all applications and affidavits received by them under this section to be preserved for two years.

SECTION 3. Said chapter two hundred and seventy-nine is hereby further amended by striking out section two and inserting in place thereof the following: — *Section 2.* The board of police shall, on or before the eighteenth day of May in each year, transmit to the election commissioners certified copies of those parts of the lists prepared as provided in section one, containing the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person, twenty years of age or upwards, residing in said city, and shall promptly transmit to the election commissioners notice of every addition to and correction in the lists made by them. The board shall furnish all information in its possession necessary to aid the election commissioners in the performance of their duties.

1908, 279, § 2,
amended.

Certified copies
of lists to be
transmitted to
election com-
missioners,
etc.

SECTION 4. Said chapter two hundred and seventy-nine is hereby further amended by striking out section three and inserting in place thereof the following: — *Section 3.* The board of police shall, on or before the first day of July in each year, prepare printed copies of the lists prepared for the use of the election commissioners. The board shall print such lists in pamphlet form by precincts, deliver to the election commissioners as many copies thereof as they may require, and hold the remaining copies for public distribution.

1908, 279, § 3,
amended.

Printed copies
of lists to be
prepared, etc.

SECTION 5. Said chapter two hundred and seventy-nine is hereby further amended by striking out section four and inserting in place thereof the following: — *Section 4.* If a male person, twenty years of age or upwards, resident in Boston on the first day of May, was not listed by the board of police, he shall, in order to establish his right to be listed, appear before a member of the board of police, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement

1908, 279, § 4,
amended.

Listing of
persons
omitted.

in writing that he was on said day a resident of said city, giving his name, age, occupation and residence on the first day of May in the current year, and his residence on the first day of May in the preceding year.

Listing of persons becoming residents after May 1.

A male person, twenty years of age or upwards, who becomes a resident of said city after the first day of May, and desires to be listed, shall appear before a member of the board of police, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said city at least six months immediately preceding the election at which he claims the right to vote, giving his name, age, occupation and residence on the above date, and his residence on the first day of May in the preceding year.

Certificate of residence to be given, etc.

If the board of police, after investigation, is satisfied that such statements are true, it shall give such applicant a certificate that he was a resident of said city on said first day of May, or a certificate that he became a resident at least six months immediately preceding such election, as the case may be, which certificate shall state his name, age, occupation and residence on the first day of May in the current year or on the above date, as the case may be, and his residence on the first day of May in the preceding year; but no such application shall be received later than the first day of September, and no such person shall be listed or be given such certificate later than the tenth day of September.

Copies of laws to be posted.

In every place where oaths are administered as required by this act the board of police shall post in a conspicuous place a copy of section three hundred and eighty-nine of chapter eleven of the Revised Laws, as amended by this act, printed on white paper with black ink, in type not less than one quarter of an inch wide.

1903, 279, § 5, amended.

Names, etc., of applicants to be published, etc.

SECTION 6. Said chapter two hundred and seventy-nine is hereby further amended by striking out section five and inserting in place thereof the following:— *Section 5.* The board of police shall enter the date of application, the name, age, occupation and residence on the first day of May in the current year and the residence on the first day of May in the preceding year, of every such applicant, as above provided, together with the result of its investigation of his application, in a book provided for

that purpose, which shall be open for public inspection. Said board shall cause to be printed, in some newspaper published in Boston, the name and residence of every such applicant. The names and residences of such applicants shall be printed by wards and precincts within two days after the number of names of such applicants, not printed, reaches fifty; and on the day when such number is reached, the names to be printed within such two days shall include the names of all such applicants up to the close of business for this purpose in the office of the board of police on such day.

SECTION 7. Section seven of said chapter two hundred and seventy-nine is hereby repealed. Repeal.

SECTION 8. This act shall take effect upon its passage.
Approved April 20, 1904.

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION OF THE HIGH LEVEL GRAVITY SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS. Chap. 246

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, and chapter three hundred and fifty-six of the acts of the year nineteen hundred and three, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred and eighty-five thousand dollars, in addition to the amounts authorized to be issued under the provisions of said chapters; and the provisions of said chapters and of acts in amendment thereof and in addition thereto shall apply to this additional loan. Treasurer and receiver general to issue scrip or certificates of debt, etc.

SECTION 2. This act shall take effect upon its passage.
Approved April 22, 1904.

AN ACT TO AUTHORIZE THE INSURANCE COMMISSIONER TO DISPOSE OF CERTAIN PAPERS AND RECORDS OF INSURANCE COMPANIES AND ASSOCIATIONS THAT HAVE DISCONTINUED BUSINESS. Chap. 247

Be it enacted, etc., as follows:

SECTION 1. The insurance commissioner is hereby authorized to destroy or otherwise dispose of such old papers Insurance commissioner may dispose of

certain old
papers, etc.

Proviso.

and records of insurance companies and associations that have discontinued business, now in the custody of the insurance department, in compliance with law, as he may deem of no value : *provided*, that the approval of the governor and council shall first be endorsed upon the schedule of papers and records so to be disposed of, which schedule shall be preserved in the files of the insurance department.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

Chap.248 AN ACT TO PROVIDE FOR ANNUAL REPORTS BY TRUSTEES OF TEXTILE SCHOOLS.

Be it enacted, etc., as follows :

Trustees of
certain textile
schools to
make annual
reports.

SECTION 1. The trustees of every textile school receiving financial aid from the Commonwealth shall, on or before the thirtieth day of January in each year, make to the general court a report containing a concise statement as to the buildings, equipment and resources of the school, the courses and methods of instruction, the number of teachers and students during the previous calendar year, and the number of students, if any, who graduated therefrom. The report shall also contain a statement, verified by the oath of the treasurer of the school, and in such form as the auditor of accounts of the Commonwealth shall prescribe, showing separately the amounts received during the previous calendar year from tuition fees, from the Commonwealth, from any city or town, and from all other sources, and also showing the expenditures of the school during the same period, under the heads of maintenance, construction and new equipment, and also the financial condition of the school at the close of said year.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

Chap.249 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF WEST NEWBURY AND GROVELAND.

Be it enacted, etc., as follows :

Boundary line
between West
Newbury and
Groveland
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of West Newbury and Groveland : — Beginning at the present corner of the towns of Groveland, Newbury and West Newbury, at a granite monument lettered B — N — WN, standing in

Beaver brook in latitude forty-two degrees, forty-five minutes, thirty and four hundredths seconds and longitude seventy degrees, fifty-eight minutes, three and sixty-nine hundredths seconds; thence north fifty-eight degrees, fourteen minutes west, true bearing, nine thousand two hundred and fifty-four feet, to a granite monument lettered B—WN, standing on a hill about eleven hundred feet northwesterly of the point where Centre street in Groveland, called Middle street in West Newbury, crosses the line, and in latitude forty-two degrees, forty-six minutes, eighteen and seventeen hundredths seconds and longitude seventy degrees, fifty-nine minutes, forty-nine and sixteen hundredths seconds; thence north fifty-four degrees, forty minutes west, true bearing, six thousand eight hundred and eighty-five feet, to a granite monument lettered B—WN, standing about thirty feet southeasterly from the bank of the Merrimac river in latitude forty-two degrees, forty-six minutes, fifty-seven and fifty hundredths seconds and longitude seventy-one degrees, one minute, four and forty-eight hundredths seconds; thence in the same direction about seven hundred feet to the centre of the river at the present corner of the city of Haverhill and the towns of Groveland and West Newbury.

Boundary line between West Newbury and Groveland established.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS
OF NORTH READING AND ANDOVER.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of North Reading and Andover: — Beginning at the present corner of the towns of Andover, North Andover and North Reading, at a granite monument lettered A—R, standing on the summit of Osgood's Hill in latitude forty-two degrees, thirty-six minutes, fifteen and eleven hundredths seconds and longitude seventy-one degrees, four minutes, thirty-six seconds; thence south eighty-three degrees, twenty-six minutes west, true bearing, sixteen thousand and fifty-five feet, to the present corner of the towns of Andover, North Reading and Wilmington, at a granite monument lettered A—R—W, in latitude forty-two degrees, thirty-five minutes, fifty-six and ninety hundredths seconds and longitude

Boundary line between North Reading and Andover established.

seventy-one degrees, eight minutes, nine and twenty-five hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

Chap.251 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MIDDLETON AND NORTH ANDOVER.

Be it enacted, etc., as follows :

Boundary line
between
Middleten and
North Andover
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Middleton and North Andover : — Beginning at the present corner of the towns of Middleton, North Andover and North Reading, at a granite monument lettered A M R, in latitude forty-two degrees, thirty-six minutes, thirty-two and nine tenths seconds and longitude seventy-one degrees, three minutes, thirty-three and thirty-six hundredths seconds ; thence north nine degrees, thirty minutes east, true bearing, six thousand eight hundred and sixty-four feet to a granite monument lettered A M, in latitude forty-two degrees, thirty-seven minutes, thirty-nine and seventy-seven hundredths seconds and longitude seventy-one degrees, three minutes, eighteen and twenty-one hundredths seconds ; thence north fifty-nine degrees, thirty-four minutes east, true bearing, ten thousand and sixty-four feet, to the present corner of the towns of Boxford, Middleton and North Andover, at a granite monument lettered A B M, in latitude forty-two degrees, thirty-eight minutes, thirty and twelve hundredths seconds and longitude seventy-one degrees, one minute, twenty-two and twelve hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

Chap.252 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MIDDLETON AND BOXFORD.

Be it enacted, etc., as follows :

Boundary line
between
Middleten and
Boxford
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Middleton and Boxford : — Beginning at the present corner of the towns of Boxford, Middleton and North Andover, at a granite monument lettered A — B — M, in latitude forty-two degrees, thirty-eight minutes, thirty and twelve hundredths

seconds and longitude seventy-one degrees, one minute, twenty-two and twelve hundredths seconds; thence south fifty-three degrees, fifty-three minutes east, true bearing, twelve thousand two hundred and forty-five feet, to a granite monument lettered B — M, standing five feet north of the bank of Ipswich river, in latitude forty-two degrees, thirty-seven minutes, eighteen and eighty-one hundredths seconds and longitude seventy degrees, fifty-nine minutes, nine and eighty-two hundredths seconds; thence in the same direction about forty feet to the centre of the river; thence mainly in an easterly direction along the centre line of the river about three quarters of a mile to the present corner of the towns of Boxford, Middleton and Topsfield, at a point about thirty-five feet north, forty-one degrees, forty-one minutes west, true bearing, from a granite monument lettered B — T — M, standing ten feet south of the river bank in the line between Middleton and Topsfield and in latitude forty-two degrees, thirty-seven minutes, sixteen and twenty hundredths seconds and longitude seventy degrees, fifty-eight minutes, thirty-five and sixty-five hundredths seconds.

Boundary line
between
Middleton and
Boxford
established.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS
OF GEORGETOWN AND BOXFORD.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Georgetown and Boxford:—Beginning at the corner of the towns of Georgetown, Boxford and Rowley, at a place called “The Three Sisters”, at a stone monument lettered R—B—G in latitude forty-two degrees, forty-one minutes, forty and fourteen hundredths seconds and longitude seventy degrees, fifty-eight minutes, thirty-six and seventy-five hundredths seconds; thence north sixty-five degrees, forty-nine minutes west, true bearing, five thousand four hundred and sixty-six feet to a stone monument lettered B—G standing in land formerly of heirs of Solomon Nelson in latitude forty-two degrees, forty-two minutes, two and twenty-six hundredths seconds and longitude seventy degrees, fifty-nine minutes, forty-three and fifty-two hundredths seconds; thence north eighty-six degrees, thirty-seven minutes west,

Boundary line
between
Georgetown
and Boxford
established.

Boundary line
between
Georgetown
and Boxford
established.

true bearing, one thousand two hundred and seventy-two feet to a stone monument lettered B—R in latitude forty-two degrees, forty-two minutes, three seconds and longitude seventy-one degrees, no minutes, fifty-two hundredths seconds; thence north eighty-one degrees, thirteen minutes west, true bearing, one thousand four hundred and eighteen feet to a stone monument lettered B—R in latitude forty-two degrees, forty-two minutes, five and fourteen hundredths seconds and longitude seventy-one degrees, no minutes, nineteen and twenty-nine hundredths seconds; thence north eighty-nine degrees, forty-four minutes west, true bearing, one thousand six hundred and thirty-seven feet, to a stone monument lettered B—R in land of Patten and Metcalf in latitude forty-two degrees, forty-two minutes, five and twenty-one hundredths seconds and longitude seventy-one degrees, no minutes, forty-one and twenty-two hundredths seconds; thence north eighty-eight degrees, thirty-six minutes west, true bearing, three thousand four hundred and twelve feet to a stone monument lettered B—R standing at the southwesterly corner of the town of Georgetown on the easterly side of the road between South Groveland and East Boxford in latitude forty-two degrees, forty-two minutes, six and three hundredths seconds and longitude seventy-one degrees, one minute, twenty-six and nine tenths seconds; thence north twenty-six degrees, fifty-five minutes west, true bearing, one thousand and nine feet to a stone monument lettered B—R standing in a stone wall and about one hundred and five feet east of the house formerly owned by H. Merritt Spofford in latitude forty-two degrees, forty-two minutes, fourteen and ninety-two hundredths seconds and longitude seventy-one degrees, one minute, thirty-three and two hundredths seconds; thence north forty-three degrees, forty-eight minutes west, true bearing, three hundred and nine feet to a stone monument lettered B—R in latitude forty-two degrees, forty-two minutes, seventeen and twelve hundredths seconds and longitude seventy-one degrees, one minute, thirty-five and eighty-eight hundredths seconds; thence north sixteen degrees, fifty-two minutes west, true bearing, five thousand and eighty-three feet to a stone monument lettered B—R standing on the southerly side of Pine Plains road at the corner of the towns of Boxford, Georgetown and Groveland in latitude forty-two degrees, forty-three minutes, five and seventeen hundredths seconds and longitude seventy-one

degrees, one minute, fifty-five and sixty-three hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1904.

AN ACT RELATIVE TO THE FIRE DEPARTMENT OF THE CITY OF NORTH ADAMS.

Chap. 254

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of North Adams may by ordinance establish the salary of the chief of its fire department, and may by ordinance establish fire companies in the outlying districts of the city, to consist of such officers and men as it may determine; and may fix the compensation of the members thereof, which shall not exceed the sum now paid to the other members of the fire department of the city. Such fire companies shall be a part of the fire department of the city and subject to all ordinances and regulations relating to said fire department. The appointment of the officers and members of such companies shall be vested in the mayor of the city as prescribed by section twenty of chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five.

City of North Adams may establish fire companies, fix compensation of members, etc.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1904.

AN ACT TO AUTHORIZE THE OLD COLONY STREET RAILWAY COMPANY TO ISSUE BONDS AND EXECUTE A MORTGAGE OF ITS RAILWAY, AND TO LOCATE ADDITIONAL POLE LINES.

Chap. 255

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying, refunding or retiring at or before the time when they mature the whole or any part of the bonds and other funded indebtedness heretofore issued by the Old Colony Street Railway Company or by any company to the franchise and property of which said company has succeeded by purchase or consolidation, all of which purchases and consolidations are hereby ratified and confirmed, and for the purpose of unifying and consolidating from time to time its funded debt, and of retiring the bonds of other companies for the payment of which it may hereafter become liable under any

The Old Colony Street Railway Company may issue mortgage bonds, etc.

The Old Colony
Street Railway
Company may
issue mortgage
bonds, etc.

provisions of law, and for any of the purposes specified in chapter three hundred and seventy of the acts of the year nineteen hundred and two, and subject to the provisions thereof and of sections sixty-four to seventy, inclusive, and of section seventy-four of chapter one hundred and eleven of the Revised Laws and of all other general laws applicable to street railway bonds and mortgages, said Old Colony Street Railway Company may, by vote of a majority in interest of its stockholders, at a meeting called for the purpose, authorize and issue at one time or from time to time coupon or registered bonds payable in periods not exceeding fifty years from the date thereof and bearing interest at a rate not exceeding four per cent per annum, and may make a mortgage or mortgages, as security for the payment of such bonds, of any part or all of its railway, equipment, franchise, and real, personal and other property upon such terms and containing such provisions as may by vote of the stockholders be approved, and may also include in any such mortgage future extensions of its railways, rights and easements thereafter vested in said company, and property of any and every kind to be thereafter acquired by it, to such extent as may by vote of the stockholders be approved. Any mortgage executed under authority hereof may be made to secure such an aggregate amount of bonds and indebtedness, including bonds to be issued or indebtedness to be created subsequent to the date of said mortgage, as the stockholders of said company may by vote determine, and may provide that such subsequently issued bonds shall be of the same tenor and date and entitled to the same security as those originally issued thereunder: *provided, however*, that the aggregate amount of bonds actually issued and outstanding thereunder at any time, including as a part thereof the amount of any bonds held by a trustee as hereinafter provided for the refunding of any prior issues of bonds, shall not exceed the amount of the capital stock of the company then outstanding, and that any bonds, or the proceeds arising from the sale thereof, authorized or issued for the purpose of paying, refunding or retiring other bonds or funded indebtedness shall, to an amount equal at the par value thereof to the amount of such indebtedness so to be paid, refunded or retired, be made applicable exclusively to the payment or retirement of such existing funded indebtedness, and shall be deposited with such trust company in-

Proviso.

incorporated in this Commonwealth and doing business in the city of Boston, and under such terms as to the deposit and withdrawal thereof, to be stated in said mortgage, as shall be approved by the board of railroad commissioners. No bond shall be issued under authority of this act without a certificate endorsed thereon by some person or corporation, appointed by the railway company for that purpose, that the bond is properly issued and recorded. Any mortgage made under authority of this section shall be deemed, for the purpose of record, to be a mortgage of real estate, and the record thereof in the registry of deeds for each county and each district of any county in which any part of the property in said mortgage described is situated, whether owned by the company at the date of said mortgage or acquired subsequently thereto, shall be a sufficient record for all purposes.

Bonds to be endorsed, etc.

Recording of mortgages.

SECTION 2. For the purpose of ascertaining the routes for the location and construction upon private land and across highways of the poles and wires which by chapter two hundred and fourteen of the acts of the year nineteen hundred and one the said company is authorized to erect and maintain for the transmission of electricity from its central generating stations maintained under the authority of said act to its various stations for converting high tension to low tension electricity now or hereafter established by said company along its lines of railway under said authority, the said company may temporarily enter upon any land, in any county in which it is authorized to operate its railway, to make surveys for the purpose aforesaid, and shall pay all actual damages to property sustained by any person by reason of any such entry, and if the parties interested cannot agree upon the amount of such damages, the same shall be assessed and determined in the manner provided in sections ten, eleven and twelve of chapter one of the Revised Laws.

Company may temporarily enter upon land to make surveys, etc.

Damages.

SECTION 3. Before entering upon any land under authority of the preceding section, said company shall give to the owner thereof at least fourteen days notice of its intention to make such entry by depositing in the post office, postage prepaid, a written notice of such intention, addressed to such owner at his last and usual place of abode. The certificate of the clerk of the company under oath, that such notice has been given as aforesaid, filed in the office of the county commissioners for the county in

Notice to be given to owners of land, etc.

Company may be required to give security for the payment of damages, etc.

which the land lies, shall be sufficient proof of such notice, and the county commissioners, upon the request of such owner, at any time prior to the receipt of full compensation for any damages suffered by him, shall require said company to give security to their satisfaction for the payment of all damages and costs which may be awarded to him by said commissioners or a jury, and they may require further security to be given from time to time thereafter prior to the payment of such compensation in the manner provided in section one hundred and one of chapter one hundred and eleven of the Revised Laws. Failure by said company to comply with any such requirement shall terminate any right of entry hereby conferred upon it in respect of the land of the owner making said request.

SECTION 4. This act shall take effect upon its passage.

Approved April 23, 1904.

Chap. 256 AN ACT TO AUTHORIZE THE BOSTON AND NORTHERN STREET RAILWAY COMPANY TO ISSUE BONDS AND EXECUTE A MORTGAGE OF ITS RAILWAY, AND TO LOCATE ADDITIONAL POLE LINES.

Be it enacted, etc., as follows:

The Boston and Northern Street Railway Company may issue mortgage bonds, etc.

SECTION 1. For the purpose of paying, refunding or retiring at or before the time when they mature the whole or any part of the bonds and other funded indebtedness heretofore issued by the Boston and Northern Street Railway Company or by any company to the franchise and property of which said company has succeeded by purchase or consolidation, all of which purchases and consolidations are hereby ratified and confirmed, and for the purpose of unifying and consolidating from time to time its funded debt, and of retiring the bonds of other companies for the payment of which it may hereafter become liable under any provisions of law, and for any of the purposes specified in chapter three hundred and seventy of the acts of the year nineteen hundred and two, and subject to the provisions thereof and of sections sixty-four to seventy, inclusive, and of section seventy-four of chapter one hundred and eleven of the Revised Laws and of all other general laws applicable to street railway bonds and mortgages, said Boston and Northern Street Railway Company may, by vote of a majority in interest of its stockholders, at a meeting called for the purpose, authorize and issue at one time or from time to time coupon or registered bonds payable in periods

not exceeding fifty years from the date thereof and bearing interest at a rate not exceeding four per cent per annum, and may, as security for the payment of such bonds, make a mortgage or mortgages of any part or all of its railway, equipment, franchise, and real, personal and other property, upon such terms and containing such provisions, as may by vote of the stockholders be approved, and may also include in any such mortgage future extensions of its railways, rights and easements thereafter vested in said company, and property of any and every kind to be thereafter acquired by it, to such extent as may by vote of the stockholders be approved. Any mortgage executed under authority hereof may be made to secure such an aggregate amount of bonds and indebtedness, including bonds to be issued or indebtedness to be created subsequent to the date of said mortgage, as the stockholders of said company may by vote determine, and may provide that such subsequently issued bonds shall be of the same tenor and date and entitled to the same security as those originally issued thereunder: *provided, however*, that the aggregate amount of bonds actually issued and outstanding thereunder at any time, including as a part thereof the amount of any bonds held by a trustee as hereinafter provided for the refunding of any prior issues of bonds, shall not exceed the amount of the capital stock of the company then outstanding, and that any bonds, or the proceeds arising from the sale thereof, authorized or issued for the purpose of paying, refunding or retiring other bonds or funded indebtedness shall, to an amount equal, at the par value thereof, to the amount of such indebtedness so to be paid, refunded or retired, be made applicable exclusively to the payment or retirement of such existing funded indebtedness, and shall be deposited with such trust company incorporated in this Commonwealth and doing business in the city of Boston, and under such terms as to the deposit and withdrawal thereof, to be stated in said mortgage, as shall be approved by the board of railroad commissioners. No bond shall be issued under authority of this act without a certificate endorsed thereon by some person or corporation appointed by the railway company for that purpose, that the bond is properly issued and recorded. Any mortgage made under authority of this section shall be deemed, for the purpose of record, to be a mortgage of real estate, and the record thereof in the registry of deeds for each

The Boston and Northern Street Railway Company may issue mortgage bonds, etc.

Proviso.

Bonds to be endorsed, etc.

Recording of mortgages.

county and each district of any county in which any part of the property in said mortgage described is situated, whether owned by the company at the date of said mortgage or acquired subsequently thereto, shall be a sufficient record for all purposes.

Company may temporarily enter upon land to make surveys, etc.

SECTION 2. For the purpose of ascertaining the routes for the location and construction upon private land and across highways of the poles and wires which by chapter two hundred and eighty of the acts of the year nineteen hundred and one the said company is authorized to erect and maintain for the transmission of electricity from its central generating stations maintained under the authority of said act to its various stations for converting high tension to low tension electricity now or hereafter established by said company along its lines of railway under said authority, the said company may temporarily enter upon any land, in any county in which it is authorized to operate its railway, to make surveys for the purpose aforesaid, and shall pay all actual damages to property sustained by any person by reason of any such entry, and if the parties interested cannot agree upon the amount of such damages, the same shall be assessed and determined in the manner provided in sections ten, eleven and twelve of chapter one of the Revised Laws.

Damages.

Notice to be given to owners of land, etc.

SECTION 3. Before entering upon any land under authority of the preceding section, said company shall give to the owner thereof at least fourteen days notice of its intention to make such entry by depositing in the post office, postage prepaid, a written notice of such intention, addressed to such owner at his last and usual place of abode. The certificate of the clerk of the company under oath, that such notice has been given as aforesaid, filed in the office of the county commissioners for the county in which the land lies, shall be sufficient proof of such notice, and the county commissioners, upon the request of such owner, at any time prior to the receipt of full compensation for any damages suffered by him, shall require said company to give security to their satisfaction for the payment of all damages and costs which may be awarded to him by said commissioners or a jury, and they may require further security to be given from time to time thereafter prior to the payment of such compensation in the manner provided in section one hundred and one of chapter one hundred and eleven of the Revised Laws. Failure by

Company may be required to give security for the payment of damages, etc.

said company to comply with any such requirement shall terminate any right of entry hereby conferred upon it in respect of the land of the owner making said request.

SECTION 4. This act shall take effect upon its passage.

Approved April 23, 1904.

AN ACT TO PROVIDE THAT PERSONS UNDER INDICTMENT WHO ARE ALLEGED TO BE INSANE MAY BE COMMITTED TEMPORARILY TO A STATE INSANE HOSPITAL.

Chap.257

Be it enacted, etc., as follows :

SECTION 1. Chapter two hundred and nineteen of the Revised Laws is hereby amended by striking out sections eleven and twelve and inserting in place thereof the following: — *Section 11.* If a person under indictment for any crime is at the time appointed for trial, or at any time prior thereto, found by the court to be insane, or is found by two experts in insanity designated by the court to be in such mental condition that his committal to an insane hospital is necessary for the proper care or for the proper observation of such person, pending the determination of his insanity, the court may cause him to be committed to a state insane hospital for such time and under such limitations as the court may order.

R. L. 219, §§ 11, 12, amended.

Certain persons under indictment may be committed to a state insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

AN ACT TO AUTHORIZE AN ANNUAL EXPENDITURE FOR CLERICAL ASSISTANCE BY THE CLERK OF THE POLICE COURT OF CHELSEA.

Chap.258

Be it enacted, etc., as follows :

SECTION 1. The clerk of the police court of Chelsea may annually expend a sum not exceeding six hundred dollars for clerical assistance in his office.

Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

AN ACT TO INCLUDE THE TOWNS OF ASHBURNHAM, LUNENBURG AND PRINCETON WITHIN THE JUDICIAL DISTRICT OF THE POLICE COURT OF FITCHBURG.

Chap.259

Be it enacted, etc., as follows :

SECTION 1. The towns of Ashburnham, Lunenburg and Princeton are hereby annexed to and made a part of the

Jurisdiction of police court of Fitchburg.

judicial district of the police court of Fitchburg. But this act shall not affect any suit or other proceeding pending at the time when it takes effect.

Repeal.

SECTION 2. So much of chapter one hundred and sixty of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1904.

Chap. 260 AN ACT TO EXTEND THE POWERS OF THE BROCKTON UNION CEMETERY.

Be it enacted, etc., as follows:

The Brockton Union Cemetery may take and hold grants, bequests, etc.

SECTION 1. The Brockton Union Cemetery, organized under the general laws in the year eighteen hundred and forty-eight, is hereby authorized to take and hold any grant, gift or bequest of property upon trust, and, according to the terms of such grant, gift or bequest, to apply the property or the income thereof to the improvement, embellishment or enlargement of said cemetery, or for the care of any lot therein, or for the erection, repair, preservation or renewal of any monument, fence or other structure therein, or for the planting and cultivation of trees, shrubs or plants, in or around any lot, or for improving said premises in any other manner consistent with the purposes for which said cemetery was established.

Corporation may give an agreement in certain cases, etc.

SECTION 2. Whenever any such grant, gift or bequest, or any deposit or payment of money shall be made by the owner of, or by any person interested in, any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the structures therein, the said corporation may give to such owner or person an agreement or obligation in such form and upon such conditions as it may establish, binding itself and its successors to keep in repair, to preserve or to embellish such lot and the structures therein forever, or for any such period as may be agreed upon.

Investments.

SECTION 3. Any sums of money received as aforesaid by said corporation shall be invested only in those securities in which savings banks in this Commonwealth are authorized to invest by laws now or hereafter in force.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1904.

AN ACT RELATIVE TO THE TAXATION OF BUSINESS CORPORATIONS. *Chap. 261*
Be it enacted, etc., as follows:

SECTION 1. Section seventy-four of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the word "not", in the twenty-third line, so as to read as follows: — *Section 74.* Every domestic corporation which is subject to the provisions of this act shall in each year pay to the treasurer and receiver general a tax upon the value of its corporate franchise, after making the deductions provided for in section seventy-two, at a rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws, after deducting therefrom the amount of tax assessed upon polls for the preceding year, as certified to the secretary, upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter of the Revised Laws. But the said tax upon the value of the corporate franchise after making the deductions provided for in section seventy-two, shall not exceed a tax levied at the rate aforesaid upon an amount, less said deductions, twenty per cent in excess of the value, as found by the tax commissioner, of the real estate, machinery and merchandise, and of securities which if owned by a natural person resident in this commonwealth would be liable to taxation; and the total amount of tax to be paid by such corporation in any year upon its property locally taxed in this commonwealth and upon the value of its corporate franchise shall amount to not less than one tenth of one per cent of the market value of its capital stock at the time of said assessment as found by the tax commissioner. If the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the commonwealth, may be adopted for the purpose of this determination.

1903, 487, § 74,
amended.

Taxation of
value of corpo-
rate franchise.

Tax not to
exceed certain
amount.

Tax not to be
less than cer-
tain amount.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

Chap.262 AN ACT RELATIVE TO THE VILLAGE CEMETERY IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Care, etc., of
the village
cemetery in
Falmouth.

SECTION 1. The corporation known as the Wardens and Vestry of the Church of the Messiah of Woods Hole, Massachusetts, situated in the town of Falmouth, is hereby authorized to care for and control the tract of land in that part of the town of Falmouth called Woods Hole which is known as the village cemetery, and which is bounded on the east, west and north by the cemetery of the church of the Messiah, and on the south by land of Francis C. Foster. The said corporation may make all reasonable rules for the management and protection of the said tract, and may erect thereon any structure that may be necessary or convenient for its preservation, embellishment or improvement. Nothing herein shall affect the rights of any person holding title to the said village cemetery or to any part thereof.

Rights of cer-
tain persons
not affected.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

Chap.263 AN ACT RELATIVE TO THE ISSUE OF BONDS OR NOTES BY THE TREASURER OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Proposals for
certain bonds
or notes issued
by the Com-
monwealth.

SECTION 1. Whenever any bonds or notes of the Commonwealth, maturing at a longer time than one year from their date, are to be issued, except such bonds or notes as may be issued for the purposes of investment of cash in any of the sinking or other established funds of the Commonwealth, the treasurer of the Commonwealth shall invite proposals therefor by advertisement, which shall be published at least ten days before the time for receiving the proposals, in not less than four daily papers published in the Commonwealth, at least two of which shall be published in the city of Boston, and in not less than one paper published in the city of New York. Such advertisements shall state the time and place for opening the proposals in answer thereto, and shall reserve the right to reject any or all proposals. The proposals shall be opened in public by the treasurer of the Commonwealth at the place specified in said advertisements, and in the presence of such

of those who have made the proposals as may desire to attend. If no proposal is accepted the whole or any part of the loan may be awarded to any person.

SECTION 2. Every bidder, as a condition precedent to the reception or consideration of his proposal, shall deposit with the treasurer of the Commonwealth a sum of money or a certified check drawn to the order of the treasurer upon some state or national bank or trust company doing business in this Commonwealth or in the city of New York. The amount of the money or check so to be deposited shall be fixed by the treasurer, but shall not exceed two and one half per cent of the amount proposed.

Deposits to be made, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1904.

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE COURT OF
LOWELL.

Chap. 264

Be it enacted, etc., as follows:

SECTION 1. The towns of Tewksbury, Billerica, Dracut, Chelmsford, Dunstable and Tyngsborough in the county of Middlesex are hereby annexed to and made a part of the judicial district and subject to the jurisdiction of the police court of Lowell; but this act shall not affect any suit or other proceeding now pending before any justice or court having jurisdiction of the same.

Jurisdiction of police court of Lowell.

Pending suits, etc., not affected.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

AN ACT TO EXTEND THE AUTHORITY OF THE BOARD OF RAILROAD
COMMISSIONERS OVER CERTAIN STEAMSHIP COMPANIES.

Chap. 265

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-three of the acts of the year nineteen hundred and three is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The board of railroad commissioners is hereby empowered and directed to perform the same duties in respect to steamship companies serving as common carriers throughout the year between two or more ports of this Commonwealth, including the regulation of rates for transporting freight or passengers, and including other matters affecting the security or convenience of the public, which the said board is now or may

1903, 173, § 1, amended.

Authority of board of railroad commissioners extended to certain steamship companies.

hereafter be empowered to perform in the case of railroads or railways.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

Chap. 266 AN ACT TO CONFIRM A CERTAIN AGREEMENT BETWEEN THE CITY OF BOSTON AND THE BOSTON TERMINAL COMPANY RELATING TO THE CONSTRUCTION OF COVE STREET BRIDGE.

Be it enacted, etc., as follows :

Certain agreement between the city of Boston and the Boston Terminal Company confirmed.

SECTION 1. The agreement signed by the mayor of the city of Boston, assuming to act for that city, and by the vice-chairman of the Boston Terminal Company on behalf of the president of that company, assuming to act for that company, relating to the construction of Cove Street bridge, so-called, over the lands of said company, and dated March twelve, nineteen hundred and four, is hereby ratified and confirmed as a contract between the city of Boston and said terminal company, and the city and company may do the things therein agreed upon and as therein specified.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1904.

Chap. 267 AN ACT RELATIVE TO TRANSFER TICKETS ISSUED BY STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows :

Conditions to be printed on transfer tickets.

SECTION 1. All street railway companies shall cause to be printed on the transfer tickets issued by them to passengers the conditions under which such tickets may be used.

Penalty for illegal use, etc., of transfer tickets.

SECTION 2. Whoever uses a transfer ticket in violation of any such condition, or whoever uses or attempts to use a transfer ticket not issued to him, or whoever for value disposes of or attempts to dispose of a transfer ticket issued to him to any other person, or whoever for value delivers or attempts to deliver a transfer ticket not issued to him to any person, shall be punished by a fine not exceeding fifty dollars or by imprisonment for a term not exceeding thirty days.

Approved April 25, 1904.

AN ACT TO ESTABLISH THE SALARY OF THE EXECUTIVE SECRETARY OF THE GOVERNOR AND COUNCIL. *Chap. 268*

Be it enacted, etc., as follows :

SECTION 1. The annual salary of the executive secretary of the governor and council shall be twenty-five hundred dollars, to be so allowed from the first day of January in the year nineteen hundred and four. Executive secretary, salary.

SECTION 2. So much of section six of chapter four of the Revised Laws as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1904.

AN ACT TO PROVIDE FOR THE PROTECTION AND CULTIVATION OF QUAHAUGS IN THE TOWNS OF EASTHAM, ORLEANS AND WELLFLEET. *Chap. 269*

Be it enacted, etc., as follows :

SECTION 1. No person shall take quahaugs from their natural beds, or wilfully obstruct or interfere with such natural beds, within the towns of Eastham, Orleans and Wellfleet, except as hereinafter provided. Taking, etc., of quahaugs in certain towns restricted.

SECTION 2. No inhabitant of said towns shall sell or offer for sale little neck clams or quahaugs which measure less than one and one half inches across the widest part, and no person shall in any of said towns sell or offer for sale little neck clams or quahaugs which measure less than one and one half inches across the widest part. Sale, etc., of little neck clams or quahaugs less than certain size prohibited.

SECTION 3. The selectmen of any one of said towns may give to any inhabitants of any of said towns permits in writing to take quahaugs from their beds in the town which the selectmen represent, at such times, in such quantities and for such uses as they shall deem expedient. Such permits shall be good for such time as the selectmen may determine, not exceeding one year. Any inhabitant of the Commonwealth may without such permit take from the natural beds in said towns quahaugs for the use of his family, not exceeding in quantity one bushel, including shells, in any one day ; and any fisherman may without such permit take quahaugs from the natural beds in his own town for bait for his own use, not exceeding in quantity one bushel, including shells, in any one day. Selectmen may give permits to take quahaugs.
 Certain persons may take quahaugs without permit.

Permits may be granted to bed quahaugs, etc.

SECTION 4. The selectmen of the said towns may, in their respective towns, grant licenses or permits for such periods, not exceeding two years, and under such conditions as they may deem proper, not however covering more than seventy-five feet square in area, to any inhabitants of the town to bed quahaugs in any waters, flats and creeks within the town at any place where there is no natural quahaug bed, not impairing the private rights of any person or materially obstructing any navigable waters. It shall be unlawful for any person, except the licensee and his agents, to take any quahaugs in or remove them from the territory covered by any such license.

Penalty.

SECTION 5. Whoever violates any provision of this act or of any regulation made by the selectmen under authority hereof shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Certain provisions of law not to apply.

SECTION 6. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the said towns.

When to take effect.

SECTION 7. This act shall take effect in any of said towns only upon its acceptance by a majority of the voters thereof present and voting thereon at a meeting called for the purpose.

Approved April 28, 1904.

Chap. 270 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF ERVING IN THE YEAR NINETEEN HUNDRED AND FOUR.

Be it enacted, etc., as follows :

Proceedings of annual meeting of town of Erving confirmed.

SECTION 1. The proceedings of the town of Erving at its annual meeting in the year nineteen hundred and four shall not be invalid by reason of the omission to call said meeting to order at the time named in the warrant therefor, or within one hour thereafter; nor by reason of the failure to open the polls for the election of town officers of said meeting as early as the hour of twelve o'clock, noon; nor by reason of the omission to keep open the polls for the election of town officers at said meeting at least four hours; and the proceedings of the town at said meeting, so far as their validity may be affected by the informalities aforesaid, are hereby confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1904.

AN ACT TO AUTHORIZE FRATERNAL BENEFICIARY ORGANIZATIONS TO PAY TO A HUSBAND, UPON THE DEATH OF HIS WIFE, A PORTION OF A DEATH OR FUNERAL BENEFIT PAYABLE AT HIS OWN DEATH.

Chap.271

Be it enacted, etc., as follows:

SECTION 1. In the event of the death of the wife of a member of any such fraternal organization as is designated in section twelve of chapter one hundred and nineteen of the Revised Laws, a portion of the amount payable at the death of such member may be paid to him: *provided*, that the amount so paid shall be deducted from the amount payable at the member's death, and that the total amount so paid either at the death of the member or of the member's wife shall not exceed the amount allowed by said section twelve to be paid at the death of a member.

Portion of benefit payable at death of husband may be paid at death of wife, etc.
Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1904.

AN ACT RELATIVE TO A UNIFORM FOR THE OFFICER IN ATTENDANCE UPON THE SESSIONS OF THE PROBATE COURT AND COURT OF INSOLVENCY FOR THE COUNTY OF SUFFOLK.

Chap.272

Be it enacted, etc., as follows:

SECTION 1. The officer in attendance upon the sessions of the probate court and court of insolvency for the county of Suffolk shall receive from said county one hundred dollars, annually, in addition to his salary, to provide a uniform which he shall wear while in attendance on said courts.

Uniform for officer in attendance upon sessions of probate court, etc., for Suffolk county.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1904.

AN ACT TO AUTHORIZE THE LAYING OF WATER PIPES OR MAINS UNDER OR OVER TIDE WATER.

Chap.273

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board, and the water board, water commissioners or superintendent of any city or town in the metropolitan water district, in exercising the powers or discharging the duties conferred or imposed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and

Certain water pipes or mains may be carried under or over tide waters, etc.

acts in amendment thereof and in addition thereto, may carry and conduct any aqueduct, conduit, pipe, drain or wire under or over tide waters or the waters of Boston harbor by such methods and in such manner as the board of harbor and land commissioners shall approve.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1904.

Chap. 274 AN ACT RELATIVE TO THE CUSTODY OF PERSONS COMMITTED TO WORKHOUSES OR ALMSHOUSES FOR CRIMINAL OFFENCES.

Be it enacted, etc., as follows :

Persons committed to almshouses, etc., for criminal offences to be confined in separate quarters, etc.

SECTION 1. Persons committed to any workhouse or almshouse established under the provisions of section one of chapter thirty of the Revised Laws, for vagrancy, drunkenness or petit larceny, or as night walkers, rogues or vagabonds, or for any other offence against the laws of the Commonwealth, shall be confined in separate and distinct quarters in such workhouse or almshouse and shall not be permitted to associate or communicate with the pauper inmates thereof.

Penalty.

SECTION 2. Any officer or other person having authority in or over any workhouse or almshouse as aforesaid, who knowingly violates the provisions of this chapter, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

To take effect October 1, 1904.

SECTION 3. This act shall take effect on the first day of October in the year nineteen hundred and four.

Approved April 30, 1904.

Chap. 275 AN ACT RELATIVE TO NOMINATION PAPERS.

Be it enacted, etc., as follows :

R. L. 11, § 109, amended.

SECTION 1. Section one hundred and nine of chapter eleven of the Revised Laws is hereby amended by striking out the words "or any other information whereby his identity may be established, and", in the fourth and fifth lines, so that the first sentence of said section will read as follows : — *Section 109.* The nomination paper for an elective office shall give the name of the candidate, the street and number, if any, of his residence, and may, in not more than eight words, state his occupation, the public

Caucuses; information concerning candidates for elective offices.

offices he has held, his qualifications for the office to be filled, or his position on any public measure.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO MAKE AN
ADDITIONAL WATER LOAN. Chap.276

Be it enacted, etc., as follows :

SECTION 1. The town of Whitman, for the purposes mentioned in section nine of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-nine, may issue notes, bonds or scrip, to be denominated on the face thereof, Whitman Water Loan, to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the purpose of supplying itself and its inhabitants with water. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the powers specified in chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-three for the issue of the South Abington water loan : *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by the town for the purpose of supplying itself and its inhabitants with water, shall not in any event exceed the amount of one hundred and twenty thousand dollars.

Whitman
Water Loan.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

AN ACT RELATIVE TO PROSECUTIONS FOR VIOLATIONS OF TOWN
BY-LAWS. Chap.277

Be it enacted, etc., as follows :

SECTION 1. Section seventy-four of chapter twenty-five of the Revised Laws is hereby amended by striking out the word "shall", in the first line, and inserting in place thereof the word : — may, — so as to read as follows : —
Section 74. He may prosecute for trespasses committed on a public building or enclosure belonging to the town ; and if a public building is owned partly by the town and partly by the county, such prosecution may be made either by the town or county treasurer, whoever first institutes the same.

R. L. 25, § 74,
amended.

Prosecutions
for trespasses
on public
property.

Prosecutions
for fines and
forfeitures,
etc.

SECTION 2. The chief or superintendent of police, or other police officer of a town, or the town treasurer, may prosecute for all fines and forfeitures inuring to the town, and may also prosecute for trespasses committed in any public building or enclosure within the town limits. If a public building is owned partly by the town and partly by the county such prosecution may be made by the town or county treasurer, whoever first institutes the same.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap.278 AN ACT RELATIVE TO THE TRANSFER AND COMMITMENT OF INSANE PERSONS TO THE STATE HOSPITAL.

Be it enacted, etc., as follows :

Care, etc., of
insane at state
hospital.

SECTION 1. The wards of the state hospital heretofore used for the care of the insane, and such other wards as it may be found necessary to use for that purpose, shall be deemed to be wards of the state hospital, and the state board of insanity shall have the same authority with regard to the transfer of insane inmates of such wards which it has over inmates of other public institutions or receptacles for the insane, under the provisions of section eighty-seven of chapter eighty-seven of the Revised Laws.

Commitment
of insane
inmates.

SECTION 2. Any inmate of the state hospital who may be found to be insane may be committed to the state hospital in the same manner in which commitments of insane persons to insane hospitals are made.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap.279 AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN LANDS OR FLATS FOR THE ABATEMENT OF A NUISANCE AND FOR PUBLIC PARKS AND PLAYGROUNDS.

Be it enacted, etc., as follows :

City of Salem
may take cer-
tain lands for
abatement of
nuisance and
for public
parks, etc.

SECTION 1. The city of Salem may take in fee, by purchase or otherwise, such lands or flats in that part of Salem harbor in said city lying westerly of a line drawn from the most easterly part of Pickerings point to the most easterly part of Long point, and such lands or flats in Collins cove in said city lying southerly or southwesterly of the northerly line of Pierce avenue extended easterly to Salem neck, as it may deem necessary for the purpose of abating or

preventing any nuisance in said cove and in the aforesaid part of the said harbor, and of constructing one or more public parks and playgrounds; and may make such excavation and filling, and erect and maintain such structures in and upon any lands or flats purchased or taken hereunder, and in and over the area of any tide waters within the limits of such lands or flats, as it may deem necessary for said purposes: *provided, however*, that no land shall be taken, or any other thing involving an expenditure of money done, until an appropriation sufficient for the estimated expense thereof shall have been made by a vote of two thirds of the members of each branch of the city council.

Proviso.

SECTION 2. Said city shall within sixty days after the taking of any lands or flats hereunder, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Essex a description thereof, sufficiently accurate for identification, with a statement signed by the mayor that the same are taken in the name and behalf of said city under the provisions of this act; and the filing thereof shall be sufficient notice to all persons that the same have been so taken.

Description of lands, etc., to be recorded.

SECTION 3. Said city shall pay all damages to property sustained by any person or corporation by the taking of any lands or flats, or by any other thing done by it under authority hereof. And if the city and such person or corporation cannot agree as to the amount so to be paid said person or corporation may file a petition against said city in the superior court of the county of Essex for a jury to determine said damages; and thereupon the same proceedings shall be had as are provided in case of application for a jury by persons dissatisfied with the damages awarded for land taken for the laying out of highways: *provided*, that no such application for a jury shall be made after the expiration of one year after the taking of such lands or flats or the doing of other injury under the authority of this act.

Damages.

Proviso.

SECTION 4. In every case of a petition for a jury as aforesaid said city may at any time file in court an offer in writing to pay the petitioner a sum therein specified as damages, and if he does not accept the same within ten days after notice of such offer, and does not finally recover a greater sum than is so offered, not including interest, the city shall be entitled to recover its costs from said

City may offer a specified sum as damages, etc.

date, and the petitioner if he recovers damages shall be entitled to costs only to the date of the offer.

City may lay out streets or ways, etc.

SECTION 5. Said city may lay out in the manner provided by its charter any streets or ways upon and over any lands or flats purchased or taken hereunder, and may sell and convey or otherwise dispose of any parts of such lands and flats not required for the purposes aforesaid or for other public uses.

Plans, etc., to be approved by harbor and land commissioners, etc.

SECTION 6. Said city before commencing to excavate or fill any lands or flats taken under the authority of this act, or to erect any structures thereon, shall give written notice to the board of harbor and land commissioners of the proposed work, and shall submit to said board plans showing the mode in which the work is to be performed; and no such work shall be begun until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

Certain provisions of law to apply.

SECTION 7. The provisions of chapter twenty-eight of the Revised Laws, relative to the improvement, use and government of public parks, shall apply to such land acquired under the provisions of this act as shall, by vote of the city council of said city, be appropriated to the uses of a public park or public playground.

Lands to be taken, etc., within five years.

SECTION 8. The authority herein granted shall cease if no part of the lands or flats hereby authorized to be taken have been taken and improvements thereon begun within five years after the date of the passage of this act.

When to take effect.

SECTION 9. This act shall take effect upon its acceptance by the city council of said city.

Approved April 30, 1904.

Chap. 280 AN ACT TO AUTHORIZE THE TOWN OF GREAT BARRINGTON TO REMOVE HUMAN REMAINS FROM AN OLD GRAVEYARD IN THE VILLAGE OF HOUSATONIC.

Be it enacted, etc., as follows:

Town of Great Barrington may remove human remains from old graveyard.

SECTION 1. The town of Great Barrington may, at its own expense, cause all human remains to be removed from the old graveyard, so-called, situated near the centre of the village of Housatonic in said town, and may inter such remains in the lower cemetery, so-called, in said village of Housatonic.

SECTION 2. The land from which the said remains are removed shall revert to the town of Great Barrington.

Land to revert to town.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of said town present and voting thereon at any annual town meeting, or at any special town meeting called for the purpose.

When to take effect.

Approved April 30, 1904.

AN ACT RELATIVE TO ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Chap. 281

Be it enacted, etc., as follows :

SECTION 1. The register of probate and insolvency for the county of Essex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding eight hundred and fifty dollars per annum for clerical assistance actually rendered, to be paid out of the treasury of the Commonwealth upon the certificate of the judge of probate and insolvency for said county.

Register of probate and insolvency, Essex county, clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

AN ACT RELATIVE TO THE PROPAGATION AND CULTIVATION OF SHELLFISH.

Chap. 282

Be it enacted, etc., as follows :

SECTION 1. Cities by a two thirds vote of each branch of the city council in cities having a common council and a board of aldermen, or by a two thirds vote of the board of aldermen in cities not having a common council, and towns by a two thirds vote of the voters present and voting thereon at any town meeting called for the purpose, may appropriate money for the cultivation, propagation and protection of shellfish. The mayor and aldermen of cities, and the selectmen of towns, when so authorized by their respective cities and towns, may declare from time to time a close season for shellfish for not more than three years in such waters or flats within the limits of their respective cities and towns as they deem proper, and may plant and grow shellfish in such waters and flats : *provided*, that no private rights are impaired ; and *provided, further*, that when any close season, declared as aforesaid, shall have

Cities and towns may make appropriations for the cultivation, etc., of shellfish.

Close season may be declared.

Proviso.

ended, the flats and waters so closed shall be opened subject to the provisions of section eighty-five of chapter ninety-one of the Revised Laws, and of any special laws.

Penalty, etc.

SECTION 2. Whoever takes shellfish in violation of the provisions of this act shall forfeit not less than three nor more than fifty dollars. Any officer qualified to serve criminal process, and special constables, designated under the provisions of section one hundred and thirty-four of chapter ninety-one of the Revised Laws, shall have power to enforce the provisions of this act, with all the powers conferred by said section.

Jurisdiction of offences.

SECTION 3. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap. 283 AN ACT RELATIVE TO DAMAGES FOR INJURIES CAUSED BY DOGS TO DOMESTIC ANIMALS.

Be it enacted, etc., as follows :

R. L. 102, § 151,
etc., amended.

SECTION 1. Section one hundred and fifty-one of chapter one hundred and two of the Revised Laws, as amended by section one of chapter one hundred of the acts of the year nineteen hundred and three, is hereby further amended by striking out all after the word “dollars”, in the fifteenth line, to and including the word “thereof”, in the eighteenth line, and inserting in place thereof the words : — the damage shall be appraised, under oath, by three persons, of whom one shall be such officer of police or chairman, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two, — also by inserting after the word “them”, in the forty-fourth line, the words : — and also twenty cents a mile one way for their necessary travel, — so as to read as follows : —

Payment of
damages for
injuries
caused by
dogs to domes-
tic animals.

Section 151. Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs, outside the enclosure of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of said city who shall be designated to receive such information by the authority appointing the police, and, if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises

where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed twenty dollars. If in the opinion of said officer of police or chairman the amount of said damage exceeds twenty dollars, the damage shall be appraised, under oath, by three persons, of whom one shall be such officer of police or chairman, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two. The said appraisers shall also consider and include in such damages the labor and time necessarily expended in the finding and collecting of the sheep, lambs, fowls or other domestic animals so injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police or chairman shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county in which the damage is done, within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who, within thirty days, shall examine all such bills, and if any doubt exists, may summon the appraisers and all parties interested and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done for such amount, if any, as they decide to be just. The treasurer shall pay all orders drawn upon him for the above purpose in full on or after the first day of July in each year if the amount in his hands standing to the credit of the dog fund is sufficient therefor; otherwise, he shall pay such amount pro rata upon such orders in full discharge thereof on demand. The appraisers shall receive from the county, or in the county of Suffolk, from the city or town treasurer, out of the money received under the provisions of this chapter relating to dogs, one dollar each for every such examination made by them, and also twenty cents a mile one way for their necessary travel; and the officer or the chairman of selectmen acting in the case shall receive twenty cents a mile one way for his necessary travel.

Payment of damages for injuries caused by dogs to domestic animals.

Compensation of appraisers, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap. 284 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS
AND FOR CERTAIN ADDITIONS AT THE MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows :

Medfield
insane asylum.

SECTION 1. In order to provide additional accommodations for the insane at the Medfield insane asylum the trustees thereof are authorized to expend a sum not exceeding one hundred and eight thousand dollars, for the following purposes : — For constructing and furnishing a building for disturbed patients, a sum not exceeding ninety thousand dollars ; for enlarging dining rooms and adding rooms for employees, a sum not exceeding eighteen thousand dollars.

Medfield
Insane Asylum
Loan.

SECTION 2. To meet the expenditures hereby authorized the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness to an amount not exceeding one hundred and eight thousand dollars, as an addition to the Medfield Insane Asylum Loan, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of April and October, but none of the same shall be sold for less than the par value thereof.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap. 285 AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN REAL ESTATE
IN THE TOWN OF HINGHAM BELONGING TO THE HINGHAM AND
QUINCY TURNPIKE AND BRIDGE CORPORATION.

Be it enacted, etc., as follows :

Trustees of
bridge over
Weymouth
Back river may
sell certain
land, etc.

SECTION 1. The trustees of the bridge over Weymouth Back river, so-called, in the town of Hingham, are hereby authorized to sell and to execute proper instruments in writing conveying so much of the land situated in said town, known as the " Old Toll Gate Property ", lying northerly of Beal street, bounded westerly by Weymouth Back river, northerly by land of Peter Bradley, and easterly by a salt marsh, to such person or persons and for such price as they may deem expedient.

Money
received to
constitute a
fund, etc.

SECTION 2. All money received from any sale or sales of said land shall constitute a fund to be held by said trus-

tees to all intents and purposes as the land is now held ; the same to be safely invested by said trustees and the income therefrom applied to the care and maintenance of the bridges under their control.

SECTION 3. The authority herein given may be exercised at any time before the first day of January, nineteen hundred and five, and not afterward.

Time within which authority may be exercised limited.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1904.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ASSISTANT REGISTERS OF PROBATE AND INSOLVENCY IN THE COUNTIES OF BERKSHIRE AND FRANKLIN.

Chap. 286

Be it enacted, etc., as follows :

SECTION 1. Section seventeen of chapter one hundred and sixty-four of the Revised Laws is hereby amended by inserting after the words " counties of ", in the first line, the word : — Berkshire, — by inserting after the word " in ", in the fifth line, the word : — Berkshire, — and by inserting after the word " Bristol ", in the fifth line, the word : — Franklin, — so as to read as follows : — *Section 17.* The judges for the counties of Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Suffolk and Worcester may each appoint an assistant register of probate and insolvency for his county, who shall hold office for three years unless sooner removed by the judge. Such assistant register in Berkshire, Bristol, Franklin, Hampden and Hampshire may be a woman. Before entering upon the performance of his duties, an assistant register shall take the oaths prescribed by the constitution, and shall give bond to the treasurer and receiver general for the faithful performance of his official duties, in a sum not less than five hundred nor more than five thousand dollars, as may be ordered by the judge, with one or more sureties who shall be approved by him.

R. L. 164, § 17, amended.

Assistant registers of probate and insolvency, appointment, etc.

SECTION 2. Section twenty-seven of said chapter is hereby amended by inserting after the word " dollars ", in the eighth line, the words : — and the assistant register, eight hundred dollars, — so that the seventh and eighth lines of said section will read as follows : —

R. L. 164, § 27, amended.

Of Berkshire, the judge, twenty-five hundred dollars ; the register, eighteen hundred dollars ; and the assistant register, eight hundred dollars.

Judge, register, etc., of Berkshire, salaries.

R. L. 164, § 28,
amended.

Extra clerical
assistance.

SECTION 3. Section twenty-eight of said chapter is hereby amended by inserting after the words "counties of", in the seventh line, the word : — Berkshire, — so as to read as follows : — *Section 28.* If it is considered necessary by the judge, the register shall be allowed annually an amount not exceeding one third of his salary for extra clerical assistance actually performed, which shall be paid by the Commonwealth. The judges in their respective counties shall audit and approve the accounts of the register. The provisions of this section shall not apply to the county of Suffolk, nor shall it apply to the counties of Berkshire, Franklin or Hampshire so long as a salary is paid to an assistant register therein.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap. 287 AN ACT TO AUTHORIZE THE CLERK OF COURTS FOR THE COUNTY OF WORCESTER TO APPOINT A THIRD ASSISTANT CLERK.

Be it enacted, etc., as follows :

Third assist-
ant clerk of
courts, county
of Worcester,
appointment,
etc.

SECTION 1. The clerk of courts for the county of Worcester may appoint a third assistant clerk, who shall be subject to the provisions of law applicable to assistant clerks of courts.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

Chap. 288 AN ACT RELATIVE TO THE EXTENSION OF THE PROVISIONS OF THE CIVIL SERVICE ACT TO THE POLICE AND FIRE FORCES OF THE TOWN OF MILTON.

Be it enacted, etc., as follows :

1900, 69, § 3,
amended.

Removals from
the police and
fire forces of
Milton.

SECTION 1. Section three of chapter sixty-nine of the acts of the year nineteen hundred is hereby amended by striking out the words "selectmen of said town", in the third line, and inserting in place thereof the words : — board or officer of the town having power to make removals, — so as to read as follows : — *Section 3.* No member of either of said forces shall be removed except for cause shown after a full hearing before the board or officer of the town having power to make removals, at which hearing the member in question shall have the right to be present and to be represented by counsel.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1904.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF *Chap.289*
PEABODY.

Be it enacted, etc., as follows :

SECTION 1. The vote passed by the town of Peabody at a special town meeting, held on the sixteenth day of October in the year nineteen hundred and three, appropriating an additional sum of forty-five thousand dollars for water supply, is hereby ratified and confirmed, and the town is hereby authorized to issue bonds bearing interest at a rate not exceeding four per cent per annum, payable semi-annually, two thousand dollars of such notes or bonds to be paid each year commencing with the year nineteen hundred and five in accordance with the said vote and for the purposes therein specified, to an amount not exceeding forty thousand dollars.

Certain proceedings of town of Peabody confirmed, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1904.

AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE MUSEUM *Chap.290*
OF FINE ARTS TO EXCHANGE CERTAIN LAND IN AND ABUTTING
UPON THE BACK BAY FENS.

Be it enacted, etc., as follows :

SECTION 1. The city of Boston, by its board of park commissioners, upon such terms and conditions as the board shall deem proper and the mayor approve, may change the easterly and westerly lines of the Huntington avenue entrance of the Back Bay Fens so that they will be substantially at right angles with Huntington avenue ; may change the southerly line of the Fens where it abuts upon the lot of land owned by the Museum of Fine Arts so that it will be substantially parallel with the avenue ; may, to make said changes, convey about twenty-three thousand square feet of land of said Fens upon receiving a valid conveyance of about thirty-two thousand square feet of said lot ; may also convey about twenty-six hundred square feet of land of said Fens upon taking by eminent domain, or receiving a valid conveyance of, about twenty-eight hundred square feet of land at the northeasterly corner of said entrance and Hemenway street ; and may apply the proceeds, if any, resulting from either of said conveyances,

The city of Boston and the Museum of Fine Arts may exchange certain land, etc.

to the payment for said additional lands, and for the reconstruction of the entrance.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1904.

Chap.291 AN ACT RELATIVE TO THE LOWELL FIREMEN'S FUND ASSOCIATION.
Be it enacted, etc., as follows :

The Lowell Firemen's Fund Association may amend its by-laws.

Benefit to which certain members are entitled.

Proviso.

SECTION 1. The Lowell Firemen's Fund Association may amend its by-laws so that members of the said association may continue as members after they shall have ceased to be members of the Lowell fire department.

SECTION 2. Such members shall not be entitled to any benefit except such as is provided for in article fifteen of the by-laws of the association which are part of its amended charter, dated August seventh, eighteen hundred and ninety-nine: *provided, however*, that the amount of such benefit may be changed in accordance with the provisions of the by-laws aforesaid.

Approved May 2, 1904.

Chap.292 AN ACT RELATIVE TO LOANS OF CO-OPERATIVE BANKS.
Be it enacted, etc., as follows :

Loans of co-operative banks.

SECTION 1. No co-operative bank shall hereafter make a loan secured by mortgage upon any one parcel of real estate, in excess of five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1904.

Chap.293 AN ACT RELATIVE TO PETITIONS FOR RECOUNTS OF VOTES CAST AT PRIMARIES AND ELECTIONS.

Be it enacted, etc., as follows :

R. L. 11, § 267, etc., amended.

Recount of ballots.

SECTION 1. Section two hundred and sixty-seven of chapter eleven of the Revised Laws, as amended by section twelve of chapter four hundred and seventy-four of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "shall sign", in the fourth line, and inserting in place thereof the words: — except Boston, and in Boston fifty or more voters of a ward, shall sign in person, — so that the first paragraph of said section will read as follows: — *Section 267.* If, on or before five o'clock on the third day next succeeding the day of an election in a ward of a city or in a town, ten

or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the first day of May of that year, and cause to be filed with the city or town clerk, or in Boston with the election commissioners, a statement sworn to by one of the subscribers that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelopes containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, open the envelopes, recount the ballots and determine the questions raised; but upon a recount of votes for town officers in a town in which the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

Recount of
ballots.

SECTION 2. This act shall not be construed to repeal section fifteen of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three.

Not to repeal
1903, 464, § 15.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1904.

AN ACT RELATIVE TO ASSESSING IN THE CITY OF BOSTON.

Chap. 294

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter eleven of the Revised Laws is hereby amended by adding at the end thereof the words: — The provisions of this section shall not apply to the city of Boston.

R. L. 11, § 17,
amended.

SECTION 2. Section eighteen of said chapter is hereby amended by adding at the end thereof the words: — The provisions of this section shall not apply to the city of Boston.

R. L. 11, § 18,
amended.

SECTION 3. The last clause of section nineteen of said

R. L. 11, § 19,
amended.

Assessment of
polls and
estate after
May 1.

chapter is hereby amended by striking out all after the word "Boston", in the fifth line of said clause, and inserting in place thereof the words:—no witnesses shall be required as aforesaid, and no person shall be assessed later than the twentieth day of December, — so that said clause will read as follows:—If the assessors are satisfied that such statements are true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election; but in Boston no witnesses shall be required as aforesaid, and no person shall be assessed later than the twentieth day of December.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1904.

Chap. 295

AN ACT RELATIVE TO THE EXAMINATION OF OFFICIAL BONDS.

Be it enacted, etc., as follows:

R. L. 18, § 16,
amended.

Section sixteen of chapter eighteen of the Revised Laws is hereby amended by striking out the first sentence of said section and inserting in place thereof the words:—Every public official who has the custody of any bond for the faithful performance of the duties of any office, occupation, agency or trust, which requires the approval of any court, public officer or board other than the governor and council, shall, except in those cases where the duty is imposed upon the controller of county accounts, annually in March examine into the sufficiency of every such bond, and shall, whenever at any other time there is reason to believe that any such bond has become insufficient, examine into its sufficiency. All acts requiring examination as to the sufficiency of any such bonds by the supreme judicial court or the superior court, or by any justice of either of said courts, are hereby repealed, — so as to read as follows:—*Section 16.* Every public official who has the custody of any bond for the faithful performance of the duties of any office, occupation, agency or trust, which requires the approval of any court, public officer or board other than the governor and council, shall, except in those cases where the duty is imposed upon the controller of county accounts, annually in March examine into the sufficiency of every such bond, and shall, whenever at any other time there is reason to believe that any such bond has become insuffi-

Examination
of official
bonds.

cient, examine into its sufficiency. All acts requiring examination as to the sufficiency of any such bonds by the supreme judicial court or the superior court, or by any justice of either of said courts, are hereby repealed. The governor shall appoint a committee of the council which shall annually in March make such examination of bonds which are required to be approved by the governor or by the governor and council. If a bond is found upon such examination to be insufficient, the person or persons who have examined it shall forthwith notify the obligor thereof and shall require him, within thirty days after the date of such notice, to file a new bond in conformity with law such as is required before entering upon the performance of the duties of such office, occupation, agency or trust.

Approved May 4, 1904.

AN ACT TO AUTHORIZE THE TOWN OF GARDNER TO ISSUE BONDS *Chap.296*
PAYABLE IN ANNUAL INSTALMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Gardner, instead of establishing a sinking fund for the payment of its water loan, as provided by chapter two hundred and eighty-seven of the acts of the year nineteen hundred and two, may at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in the said chapter.

Town of Gardner may provide for annual payments on water loan.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1904.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE *Chap.297*
COUNTY OF NORFOLK TO BORROW MONEY FOR EQUIPPING AND
FURNISHING THE BUILDING FOR THE REGISTRIES OF DEEDS AND
OF PROBATE AND FOR THE PROBATE COURT AT DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Norfolk are hereby authorized to expend a sum not exceeding one hundred thousand dollars for the purpose of equipping and furnishing the building for the registries of deeds and of probate and for the probate court, now in process of construction at Dedham, under the authority of chapter two hundred and eighty-four of the acts of the year nineteen hundred and one, as amended by chapter five hundred

Equipping and furnishing building for registries of deeds, etc., at Dedham.

and twenty-eight of the acts of the year nineteen hundred and two, and by chapter three hundred and forty-two of the acts of the year nineteen hundred and three, and for the improvement of the lot on which said building stands.

County commissioners may borrow on credit of county, etc.

SECTION 2. In order to meet the expenses incurred under this act the county commissioners may borrow on the credit of the county a sum not exceeding seventy-five thousand dollars in addition to the sum of two hundred and eighty thousand dollars authorized for the construction of said building by said act of the year nineteen hundred and one, as amended. The indebtedness so incurred by the county shall be paid out of the amounts received for taxes, in the manner provided by section six of said act of the year nineteen hundred and one, as if said sum of seventy-five thousand dollars had been included in the amount heretofore authorized.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1904.

Chap.298 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

City of New Bedford may issue bonds, notes or scrip, etc.

SECTION 1. The city of New Bedford, for the purpose of purchasing land for two new school buildings and for constructing and furnishing two new school buildings in that city, may incur indebtedness beyond the limit fixed by law to an amount not exceeding two hundred thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding twenty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, payable semi-annually, as the city council shall determine; and, except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

R. L. 27 to apply.

Payment of loan.

SECTION 2. The city council of said city shall at the time of authorizing said loans provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall be

assessed by the assessors of said city in each year, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the city is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1904.

AN ACT TO CONFIRM A CERTAIN AGREEMENT BETWEEN THE METROPOLITAN WATER AND SEWERAGE BOARD AND THE CITY OF MARLBOROUGH, RELATIVE TO BUILDING AN ADDITIONAL MAIN SEWER AND FILTER BEDS FOR SAID CITY.

Chap. 299

Be it enacted, etc., as follows :

SECTION 1. The agreement signed by the mayor of the city of Marlborough, for that city, and by the metropolitan water and sewerage board, for the Commonwealth, dated October five, nineteen hundred and three, and recorded with Middlesex south district registry of deeds, book 3091, page 101, providing for the construction and maintenance of an additional main sewer and filter beds for the disposal of a part of the sewage of said city, as a substitute for the additional main sewer provided for by chapter four hundred and forty-three of the acts of the year nineteen hundred and three, is hereby ratified and confirmed ; and all action taken, all construction work done and all payments made under said agreement in the construction of said additional main sewer and filter beds, are hereby ratified, approved and made valid, as fully as if such additional main sewer had been constructed in accordance with the provisions of said chapter.

Certain agreement between city of Marlborough and metropolitan water and sewerage board confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1904.

AN ACT RELATIVE TO MUTUAL FIRE INSURANCE COMPANIES.

Chap. 300

Be it enacted, etc., as follows :

SECTION 1. Section thirty-nine of chapter one hundred and eighteen of the Revised Laws is hereby amended by inserting after the word "perjury", in the twenty-first line, the words : — No mutual fire insurance company operating on the cash premium plan as provided in section forty-five, nor any mutual fire insurance company with a guaranty

R. L. 118, § 39, amended.

R. L. 118, § 39,
amended.

Conditions
under which
certain fire
insurance
policies may
issue.

capital of less than one hundred thousand dollars, either of which has become insolvent, or has reinsured or cancelled its risks so that it has on its books less than one million dollars of insurance in force, not reinsured, in not less than four hundred separate risks in this Commonwealth, shall make any further insurances until it has secured applications for policies which, together with the unreinsured risks in force shall amount to not less than one million dollars in not less than four hundred separate risks in this Commonwealth, said applications to be subject to the same provisions of this section as apply to the subscriptions for insurance in a new company. Upon the filing of such applications with the insurance commissioner he may make such investigation as he deems proper and if his findings warrant it grant a license to such company to issue policies, — so as to read as follows : — *Section 39.* No policy shall be issued by a purely mutual fire insurance company organized subsequent to the twenty-third day of April in the year eighteen hundred and ninety-four, nor by a mutual fire insurance company with a guaranty capital of less than one hundred thousand dollars, until not less than one million dollars of insurance, in not less than four hundred separate risks upon property located in this Commonwealth, has been subscribed for and entered on its books; except that in any town of less than four thousand inhabitants a company may be formed to insure only dwelling houses, farm buildings and their contents within such town, and may issue policies when fifty thousand dollars of insurance has been subscribed for. No policy shall be issued under the provisions of this section until the president and secretary of the company shall have certified under oath that every subscription for insurance in the list presented to the insurance commissioner for approval is genuine, and made with an agreement with every subscriber for insurance that he will take the policies subscribed for by him within thirty days of the granting of a license to the company by the insurance commissioner to issue policies. If such officers shall take a false oath relative to such certificate they shall be guilty of perjury.

Certain fire
insurance
companies not
to make further
insurances
without a
license.

No mutual fire insurance company operating on the cash premium plan as provided in section forty-five, nor any mutual fire insurance company with a guaranty capital of less than one hundred thousand dollars, either of which has become insolvent, or has reinsured or cancelled its risks so

that it has on its books less than one million dollars of insurance in force, not reinsured, in not less than four hundred separate risks in this Commonwealth, shall make any further insurances until it has secured applications for policies which, together with the unreinsured risks in force shall amount to not less than one million dollars in not less than four hundred separate risks in this Commonwealth, said applications to be subject to the same provisions of this section as apply to the subscriptions for insurance in a new company. Upon the filing of such applications with the insurance commissioner he may make such investigation as he deems proper and if his findings warrant it grant a license to such company to issue policies. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the applications shall be accepted or rejected by a mutual fire insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors may determine. Nor shall such officer or person aforesaid be an employee of any officer or agent of the company.

Compensation of person determining character of risks, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1904.

AN ACT TO PERMIT THE TAKING OF BAIT IN THE WATERS OF THE TOWN OF EDGARTOWN.

Chap. 301

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Edgartown, or any two of them, may issue to any inhabitant of said town holding a permit for the taking of eels by means of pots, permits for the taking of bait for his own use only from the waters of said town by means of nets or seines. Such permits shall not be issued for the use of nets or seines more than one hundred and fifty feet long, or of a size of mesh of more than three fourths of an inch, and shall be issued for the taking of such bait only between the first day of June and the fifteenth day of December in each year. The provisions of this act shall not affect the rights of the persons designated in section twenty-three of chapter ninety-one of the Revised Laws, or the corporate rights of any fishing company.

Permits may be issued to take bait in the waters of Edgartown with nets, etc.

Certain rights not affected.

Repeal.

SECTION 2. So much of section one hundred and twenty-seven of chapter ninety-one of the Revised Laws and of any other act as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1904.

Chap.302

AN ACT RELATIVE TO PROCEDURE IN THE ADOPTION OF CHILDREN.

Be it enacted, etc., as follows :

R. L. 154, § 2,
etc., amended.

Section two of chapter one hundred and fifty-four of the Revised Laws, as amended by section twenty-two of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "chapter", in the eleventh line, the words : — Illegitimacy shall in no case be expressly averred upon the record, — so as to read as follows : — *Section 2.* A decree for such adoption shall not be made, except as hereinafter provided, without the written consent of the child, if it is above the age of fourteen years ; of her husband, if she is a married woman ; of the lawful parents, or surviving parent ; of the parent having the lawful custody of the child, if the parents are divorced or are living separately ; of the guardian of the child, if any ; of the mother only of the child, if illegitimate ; or of the person substituted for any of the above named by the provisions of this chapter. Illegitimacy shall in no case be expressly averred upon the record. A person whose consent is hereby required shall not thereby be debarred from being the adopting parent. If the child has been previously adopted, the consent of the previous adopting parent shall also be required.

Approved May 6, 1904.

Written consent
required
before decree
for adoption is
made.

Illegitimacy
not to be
expressly
averred upon
record, etc.

Chap.303

AN ACT RELATIVE TO THE PUNISHMENT OF HABITUAL CRIMINALS.

Be it enacted, etc., as follows :

R. L. 220, § 21,
amended.

Section twenty-one of chapter two hundred and twenty of the Revised Laws is hereby amended by striking out the words "twenty-five years", at the end of said section, and inserting in place thereof the words : — the maximum term provided by law as a penalty for the felony for which he is then to be sentenced, — so as to read as follows : — *Section 21.* Whoever has been twice convicted of crime and has been sentenced and committed to prison in this or another state, or once in this and once or more in another

Punishment
of habitual
criminals.

state, for terms of not less than three years each, and does not show that he has been pardoned for either crime on the ground that he was innocent, shall, upon conviction of a felony in this Commonwealth, be considered an habitual criminal and be punished by imprisonment in the state prison for the maximum term provided by law as a penalty for the felony for which he is then to be sentenced.

Approved May 6, 1904.

AN ACT RELATIVE TO FIDELITY INSURANCE COMPANIES.

Chap.304

Be it enacted, etc., as follows :

The authority to transact new business by any corporation of the class designated in section sixty-one of chapter one hundred and eighteen of the Revised Laws shall cease in this Commonwealth on the thirty-first day of March of each year, unless such authority is renewed in writing by the insurance commissioner on or before that date ; and in no case shall such authority be renewed unless the company has on deposit with the treasurer and receiver general of this Commonwealth, or with the proper officer or board of some other state, for the protection of all its policy holders in the United States, an amount not less than one hundred thousand dollars, which, if so on deposit in this Commonwealth, shall not be returned to the company while it has any liabilities outstanding in this Commonwealth, nor until the insurance commissioner has given his consent in writing to such return.

Authority to transact new business by fidelity insurance companies to cease March 31 annually unless renewed.

Approved May 6, 1904.

AN ACT RELATIVE TO DESTROYING OR INJURING PERSONAL PROPERTY.

Chap.305

Be it enacted, etc., as follows :

Whoever wantonly destroys or injures the personal property of another in any manner or by any means not particularly described or mentioned in chapter two hundred and eight of the Revised Laws shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year ; but if the value of the property so destroyed or injured is not alleged to exceed fifteen dollars the punishment shall be a fine of not more than fifteen dollars or imprisonment for not more than thirty days.

Penalty for destroying or injuring personal property of another.

Approved May 6, 1904.

Chap. 306

AN ACT RELATIVE TO THE ASSIGNMENT OF DOWER.

*Be it enacted, etc., as follows :*R. L. 132, § 9,
amended.Assignment
of dower.

Section nine of chapter one hundred and thirty-two of the Revised Laws is hereby amended by striking out the words “and her right is not disputed by her heirs or devisees”, in the third and fourth lines, and by adding at the end thereof the words : — or by an executor or administrator of an estate wherein the probate court finds that the personal property will probably be insufficient to pay the debts and legacies of the decedent with the charges of administration, — so as to read as follows : — *Section 9.* If a widow is entitled by the provisions of law, by deed of jointure, or under the will of her husband, to an undivided interest in his land either for life or during widowhood, such interest may be assigned to her, in whatever counties the land lies, by the probate court for the county in which the estate of her husband is settled. Such assignment may be made upon her petition or, if she does not petition therefor within one year after the decease of her husband, upon petition by an heir or devisee of her husband, by any person having an estate in the land subject to such interest or by the guardian of any such heir, devisee or person, or by an executor or administrator of an estate wherein the probate court finds that the personal property will probably be insufficient to pay the debts and legacies of the decedent with the charges of administration.

*Approved May 6, 1904.***Chap. 307**

AN ACT RELATIVE TO TERMS OF SERVICE OF JURORS IN THE COUNTIES OF MIDDLESEX AND NORFOLK.

*Be it enacted, etc., as follows :*R. L. 176, § 3,
amended.Terms of
service of
jurors in
Suffolk, Mid-
dlesex and
Norfolk
counties.

SECTION 1. Section three of chapter one hundred and seventy-six of the Revised Laws is hereby amended by striking out the words “county of Suffolk”, in the second line, and inserting in place thereof the words : — counties of Suffolk, Middlesex and Norfolk, — so as to read as follows : — *Section 3.* A person shall not serve as a traverse juror in the counties of Suffolk, Middlesex and Norfolk more than thirty days at any sitting of the court, except to finish a case commenced within that time, nor in the

trial of criminal cases at more than one sitting thereof during the year.

SECTION 2. This act shall take effect on the first day of September in the year nineteen hundred and four.

To take effect
September 1,
1904.

Approved May 6, 1904.

AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF FISH IN PONDS.

Chap.308

Be it enacted, etc., as follows :

Section twenty-six of chapter ninety-one of the Revised Laws, as amended by chapter two hundred and ninety-four of the acts of the year nineteen hundred and three, is hereby further amended by striking out the whole of said section and inserting in place thereof the following :— *Section 26.* Whoever draws, sets, stretches or uses a drag net, set net, purse net, seine or trawl, or whoever sets or uses more than ten hooks for fishing, in any pond, or aids in so doing, shall be punished by a fine of not less than twenty nor more than fifty dollars. The provisions of this section shall not affect the rights of riparian proprietors of ponds mentioned in section twenty-three or the corporate rights of any fishing company.

R. L. 91, § 26,
etc., amended.

Penalty for
use of nets,
etc., in ponds.

Certain rights
not affected.

Approved May 6, 1904.

AN ACT TO AUTHORIZE THE TOWN OF LEOMINSTER TO CONSTRUCT A SYSTEM OF SEWERAGE.

Chap.309

Be it enacted, etc., as follows :

SECTION 1. The town of Leominster is hereby authorized, through a board of commissioners elected as herein-after provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, with such connections and other works as may be required for a system of sewage disposal ; and said board, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the board may, within the limits of the town, deepen, widen and clear of obstruction any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the

Town of
Leominster
may construct,
etc., a system
of sewerage,
etc.

approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Sewer commis-
sioners, elec-
tion, terms,
etc.

SECTION 2. Said board shall consist of three commissioners, to be called Sewer Commissioners of the Town of Leominster, who shall be citizens and residents of the town and shall be elected by ballot at a special meeting or at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, or which follows the special meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person duly qualified to fill the vacancy.

Vacancy.

May acquire
lands, water
rights, etc.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, railroad or way, or within the location of any railroad, and may enter upon and dig up and excavate any private land, street or way, or railroad location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

Proviso.

Description of
lands, etc., to
be recorded.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the northern district of the county of Worcester, a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that

the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easement described in such statement shall vest in the town of Leominster, which shall pay all damages therefor and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Damages.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner, if he does not recover damages to an amount greater than the amount specified in said offer, shall be entitled to costs only to said date.

Town may offer a specified sum as damages, etc.

SECTION 6. The town of Leominster, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars, and may issue from time to time therefor bonds, notes or scrip; and the debt and loan authorized by this act and the bonds, notes or scrip issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds, notes or scrip shall bear on their face the words, Leominster Sewerage Loan, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at

Leominster Sewerage Loan.

a rate not exceeding four per cent per annum. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided that they shall not be sold or pledged for less than the par value thereof. The proceeds thereof shall be retained in the treasury and the treasurer shall upon the order of said board of commissioners pay therefrom the expenses incurred for the purposes aforesaid.

Town may provide for annual payments on loan.

SECTION 7. Instead of establishing a sinking fund the town may at the time of authorizing the said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town is extinguished.

Payment of loan, etc.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds, notes or scrip issued under the authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said systems of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds, notes or scrip issued under the authority of this act not otherwise provided for, or to the payment or redemption of said bonds, notes or scrip, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not be sufficient for the purposes aforesaid in any year the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Commissioners to appoint a clerk, etc.

SECTION 9. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at

its pleasure. The compensation of the commissioners shall be fixed by the town.

SECTION 10. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board ; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Contracts.

SECTION 11. Said board of commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Leominster, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publication has been made.

Commissioners may prescribe rules and regulations, impose penalties, etc.

SECTION 12. No act shall be done under the authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans showing in detail all the work to be done in constructing said system of sewerage shall be submitted for the approval of the state board of health.

Plans to be approved by state board of health.

SECTION 13. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose. The town may elect said board of sewer commissioners at the same meeting at which it accepts this act.

When to take effect, etc.

Approved May 9, 1904.

AN ACT RELATIVE TO ILLEGAL REGISTRATION AND VOTING.

Chap. 310

Be it enacted, etc., as follows :

SECTION 1. Chapter eleven of the Revised Laws is hereby amended by striking out section three hundred and eighty-five and inserting in place thereof the follow-

R. L. 11, § 385, amended.

Penalty for
illegal voting
or attempt to
vote, etc.

ing:— *Section 385.* Whoever at an election, knowing that he is not a qualified voter in the place where he votes or attempts to vote, wilfully votes or attempts to vote thereat; whoever at an election votes or attempts to vote more than once on his own name, his name having been registered more than once; whoever at an election votes or attempts to vote in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever at an election votes or attempts to vote on any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at an election votes or attempts to vote otherwise illegally; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

R. L. 11, § 390,
amended.

Penalty for
illegal registra-
tion or
attempt to
register, etc.

SECTION 2. Said chapter eleven is hereby further amended by striking out section three hundred and ninety and inserting in place thereof the following:— *Section 390.* Whoever causes or attempts to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration or attempted registration; whoever registers or attempts to register under a name other than his own; whoever represents or attempts to represent himself as some other person to any election commissioner, registrar or assistant registrar; whoever gives a false answer to any election commissioner, registrar or assistant registrar respecting any matter relating to his registration or his right to vote; whoever otherwise illegally registers or attempts to register; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

Approved May 9, 1904.

Chap.311 AN ACT RELATIVE TO THE EMPLOYMENT OF MECHANICS AND LABORERS IN THE CONSTRUCTION OF PUBLIC WORKS.

Be it enacted, etc., as follows:

R. L. 106, § 14,
amended.

Preference to
be given to
citizens in the
employment of
mechanics and
laborers.

Chapter one hundred and six of the Revised Laws is hereby amended by striking out section fourteen and inserting in place thereof the following:— *Section 14.* In the employment of mechanics and laborers in the construction of public works by the Commonwealth, or by a county, city or town, or by persons contracting therewith, prefer-

ence shall be given to citizens of the Commonwealth, and, if they cannot be had in sufficient numbers, then to citizens of the United States; and every contract for such works shall contain a provision to this effect. Any contractor who knowingly and wilfully violates the provisions of this section shall be punished by a fine of not more than one hundred dollars for each offence. Penalty.

Approved May 9, 1904.

AN ACT TO PROVIDE FOR AN OUTLET FOR THE SEWAGE OF THE
TOWN OF PEABODY.

Chap. 312

Be it enacted, etc., as follows:

SECTION 1. The main trunk sewer from the boundary line between the town of Peabody and the city of Salem, the pumping station, and the harbor outfall, all of which said city was authorized to construct by chapter three hundred and fifty-three of the acts of the year nineteen hundred and one for the purpose of discharging the sewage from said city at or near the island in Salem harbor known as Great Haste, shall be constructed of such capacity as the state board of health shall certify to be sufficient to discharge, in addition to the sewage from said city, the sewage from said town. When said trunk sewer, pumping station and harbor outfall shall have been so far completed as to be put in practical operation said town shall thereupon have the right to connect its system of sewerage with such main trunk sewer at or near said boundary line and thereafter to discharge into and through such trunk sewer the sewage from said town, the same to be disposed of through said main trunk sewer, pumping station and harbor outfall in the same manner as the sewage of said city entering said main trunk sewer shall thereby be disposed of; but the nature or quality of the sewage to be discharged into or through said trunk sewer by said city, said town, or any person or corporation, shall be subject to regulation by the state board of health.

Construction of main trunk sewer from boundary line between Peabody and Salem, etc.

Town may connect its system of sewerage with main trunk sewer, etc.

SECTION 2. The town of Peabody shall, when said main trunk sewer, pumping station and harbor outfall shall have been so far completed as aforesaid, pay to said city, for the right to use the same as an outlet for the sewage from said town as aforesaid and as its proportionate part of the cost of the construction thereof, the sum of one hundred and fifty thousand dollars, and shall also from the time

Town to pay proportionate part of cost, etc.

In case of
disagreement
commissioners
may be
appointed, etc.

when said works shall have been so far completed as aforesaid pay to said city annually a proportionate part of the annual expense of the maintenance and operation of the same, to be ascertained as hereinafter provided. In case said city and said town shall be unable to agree upon the proportionate part of such annual expense to be paid by said town to said city as aforesaid for the term of five years next following the time when said works shall have been so far completed as aforesaid, the supreme judicial court shall, upon application by either party and notice to the other, appoint three commissioners, who shall determine the proportionate part of such annual expense to be paid to said city by said town for the aforesaid term of five years; and the award of the commissioners when accepted by said court shall be final; and before the expiration of said term of five years, and every five years thereafter, commissioners to be appointed by said court as aforesaid shall, if the parties are unable to agree, determine the proportionate part of the annual expense of the maintenance and operation of said works which, for the next succeeding term of five years, shall be paid by said town to said city, and whose award when accepted by the court shall be final.

Peabody
Sewerage
Loan, Act of
1904.

SECTION 3. The town of Peabody, for the purpose of making the payments required hereby, may from time to time issue bonds, notes or scrip to an amount not exceeding one hundred and fifty thousand dollars, payable at the expiration of periods not exceeding thirty years from the dates of issue, bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Such bonds, notes or scrip shall be denominated on the face thereof, Peabody Sewerage Loan, Act of 1904, shall be signed by the treasurer of the town and countersigned by a majority of the selectmen thereof, and shall not be reckoned in determining the legal limit of indebtedness of said town; and the town may sell said securities at public or private sale for not less than the par value and accrued interest thereof. The town shall at the time of providing for the loan authorized by this act vote to make payment thereof by such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when such provision has been made the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed

Not to be
reckoned in
determining
debt limit, etc.

Payment of
loan.

under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt is extinguished.

SECTION 4. This act shall take effect upon its acceptance, within three months after its passage, by the city council of said city and by a majority of the legal voters of said town present and voting thereon at a special town meeting duly called for the purpose, and it shall be submitted to the town for such acceptance upon the petition of ten or more registered voters of the town filed with the town clerk.

When to take effect.

Approved May 9, 1904.

AN ACT RELATIVE TO THE POWERS OF THE BOARD OF CONCILIATION AND ARBITRATION.

Chap. 313

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter one hundred and six of the Revised Laws, as amended by chapter four hundred and forty-six of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "blame", in the twenty-fifth line, the words :—Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare, —and by striking out the word "section", at the end of the section, and inserting in place thereof the words :—four sections, — so as to read as follows :—*Section 2.* If it appears to the mayor of a city or to the selectmen of a town that a strike or lock-out described in this section is seriously threatened or actually occurs, he or they shall at once notify the state board ; and such notification may be given by the employer or by the employees concerned in the strike or lock-out. If, when the state board has knowledge that a strike or lock-out, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lock-out, was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, the state board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lock-out has not actually occurred or is not then continuing, to submit the

R. L. 106, § 2, etc., amended.

State board of conciliation and arbitration to be notified in case of a strike, etc.

controversy to a local board of conciliation and arbitration or to the state board. Said state board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the following four sections.

To investigate cause of controversy, etc.

To investigate upon request of governor, etc.

R. L. 106, § 3, amended.

Settlement of certain differences between employers and employees.

SECTION 2. Section three of said chapter one hundred and six is hereby amended by inserting after the word "cause", in the eighth line, the words:—and may, with the consent of the governor, conduct such inquiry beyond the limits of the Commonwealth. The board shall,—by striking out the word "therein", in the eighth line, and by inserting after the word "party", in the nineteenth line, the words:—and to the board,—so as to read as follows:—*Section 3.* If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than twenty-five persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the Commonwealth. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of said board. A short statement thereof shall, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the city or town in which said business is carried on. Said decision shall, for six months, be binding upon the parties who join in said application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his inten-

Decision to be binding for certain period, etc.

tion not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work.

SECTION 3. Section four of said chapter one hundred and six is hereby amended by striking out the words "thereto in writing", in the sixth line, and inserting in place thereof the words: — so to do, — and by striking out the words "grievances complained of", in the eighth line, and inserting in place thereof the words: — existing controversy, — so as to read as follows: — *Section 4.* Said application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lock-out or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

R. L. 106, § 4,
amended.

Applications
to state board,
how made,
etc.

Notice of
hearings, etc.

SECTION 4. Section five of said chapter one hundred and six is hereby amended by striking out the words "a fit person", in the third line, and inserting in place thereof the words: — fit persons, — by striking out the word "assistant", in the fourth line, and inserting in place thereof the word: — assistants, — and by striking out the words "shall appoint such experts if so nominated", in the fifth line, and inserting in place thereof the words: — may appoint one from among the persons so nominated by each party, — so as to read as follows: — *Section 5.* In all controversies between an employer and his employees in which applica-

R. L. 106, § 5,
amended.

Expert assist-
ants, appoint-
ment, etc.

Powers and
duties.

tion is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful performance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the Commonwealth similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. Such experts shall receive from the Commonwealth seven dollars each for every day of actual service and their necessary travelling expenses. The board may appoint such other additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties.

Compensation,
etc.

Approved May 9, 1904.

Chap. 314 AN ACT TO REGULATE REMOVALS AND SUSPENSIONS FROM OFFICE
AND EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

Persons hold-
ing office in
the public
service not to
be removed,
etc., without
cause.

SECTION 1. Every person holding office or employment in the public service of the Commonwealth or in any county, city or town thereof, classified under the civil service rules of the Commonwealth, shall hold such office or employment and shall not be removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other except for just cause and for reasons specifically given in writing.

Notice to be
given, etc.

SECTION 2. The person sought to be removed, suspended, lowered or transferred shall be notified of the

proposed action and shall be furnished with a copy of the reasons required to be given by section one, and shall, if he so requests in writing, be given a public hearing, and be allowed to answer the charges preferred against him either personally or by counsel. A copy of such reasons, notice and answer and of the order of removal, suspension or transfer shall be made a matter of public record.

Approved May 9, 1904.

AN ACT RELATIVE TO THE HOURS OF LABOR OF MEMBERS OF FIRE DEPARTMENTS IN CITIES AND TOWNS. Chap.315

Be it enacted, etc., as follows:

SECTION 1. Any city may, by ordinance passed by its city council and approved by its mayor, and any town may, by by-law, establish the hours of labor of the members of its fire department.

Hours of labor of members of fire departments.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1904.

AN ACT MAKING APPROPRIATIONS FOR THE TECHNICAL EDUCATION FUND, COMMONWEALTH GRANT, FOR THE PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap.316

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise provided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

Appropriations.

To provide for the permanent investment of the Technical Education Fund, Commonwealth Grant, as authorized by chapter one hundred and seventy-four of the acts of the present year, a sum not exceeding four thousand four hundred twenty-four dollars and sixty-five cents.

Technical Education Fund, Commonwealth Grant.

For William H. Hoar, as authorized by chapter twenty-one of the resolves of the present year, the sum of one hundred dollars.

William H. Hoar.

For Margaretta S. Hill, as authorized by chapter twenty-two of the resolves of the present year, the sum of twelve hundred dollars.

Margaretta S. Hill.

First regiment
of heavy
artillery.

For the payment of certain expenses incurred by the first regiment of heavy artillery, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

William H.
Dodge.

For William H. Dodge, as authorized by chapter twenty-five of the resolves of the present year, the sum of one hundred twenty-eight dollars and seventy-five cents, the same to be paid from the appropriation of the present year for the expenses of the cattle bureau.

Lemuel D.
and Anna
Burr.

For Lemuel D. Burr and Anna Burr, as authorized by chapter twenty-six of the resolves of the present year, the sum of one hundred and fifty dollars.

Hannah M.
McCarthy.

For Hannah M. McCarthy, as authorized by chapter twenty-eight of the resolves of the present year, the sum of seven hundred and fifty dollars, the same to be paid out of the Metropolitan Sewerage Loan Fund.

Additional
compensation
for animals
killed in
exterminating
the foot and
mouth disease.

For Anderson and Christofsen, the sum of one hundred twenty-eight dollars and fifty-seven cents; for Murray Brown, the sum of two hundred fourteen dollars and twenty-nine cents; for Augustus A. Hutchinson, the sum of fifty-three dollars and fifty-seven cents; for John L. Pingry, four hundred thirty-seven dollars and fourteen cents; and for M. Henry Worden, forty dollars and seventy-one cents, being additional compensation for animals killed in exterminating the foot and mouth disease, the same to be paid from the unexpended appropriation provided for by chapter four hundred and twenty-seven of the acts of the year nineteen hundred and three.

Trustees of
state farm to
settle certain
claims for
personal
injuries.

To enable the trustees of the state farm to settle certain claims for personal injuries, as provided for by chapter thirty of the resolves of the present year, a sum not exceeding nine hundred dollars, to be paid out of the Prisons and Hospitals Loan Fund, authorized by chapter four hundred and fourteen of the acts of the year nineteen hundred and three.

Manual.

For printing and binding the manual for the general court, the sum of three hundred thirty-four dollars and ninety-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report of gas
and electric
light commis-
sioners.

For printing and binding the report of the gas and electric light commissioners, the sum of one hundred eight dollars and twenty-eight cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the expenses of the electoral college, a sum not exceeding five hundred dollars.

Electoral college.

For salaries in the office of the state board of education, as provided for by chapter two hundred and thirty-four of the acts of the present year, a sum not exceeding twenty thousand dollars, and for travelling expenses of employees under the direction of the said board, a sum not exceeding three thousand dollars. So much of chapter ninety-eight of the acts of the present year as makes an appropriation for the salary and expenses of the secretary of the state board of education, for clerical and messenger service of the state board of education, and for salaries and expenses of agents of the state board of education, is hereby repealed.

Salaries in office of state board of education, etc.

Repeal.

For the county of Franklin, as authorized by chapter thirty-five of the resolves of the present year, the sum of one hundred and fifty dollars.

County of Franklin.

For Murdick L. Brison, as authorized by chapter thirty-six of the resolves of the present year, the sum of one hundred thirty dollars and fifty cents.

Murdick L. Brison.

For Edward E. Williamson, as authorized by chapter forty-six of the resolves of the present year, the sum of one hundred and fifty dollars.

Edward E. Williamson.

To provide for giving instruction in riding to the mounted militia, as authorized by chapter forty-seven of the resolves of the present year, a sum not exceeding four thousand dollars.

Instruction in riding to mounted militia.

For compensating the city of Worcester for benefits to land of the Worcester insane hospital, as authorized by chapter forty-nine of the resolves of the present year, the sum of one hundred ninety-seven dollars and eight cents.

City of Worcester.

For Walter P. Mayo, as authorized by chapter fifty of the resolves of the present year, the sum of eighty-eight dollars and fifty cents.

Walter P. Mayo.

For the maintenance of state highways, as authorized by chapter two hundred and forty-four of the acts of the present year, a sum not exceeding fifty thousand dollars.

Maintenance of state highways.

To provide for a proper representation of the Commonwealth at the national encampment of the grand army of the republic to be held in Boston during the present year, a sum not exceeding fifty thousand dollars.

Representation of the Commonwealth at national encampment of G. A. R.

For certain expenses at the state normal school at Westfield, as authorized by chapter fifty-two of the resolves of

State normal school at Westfield.

the present year, a sum not exceeding eight hundred and fifty dollars.

Manual of
laws relative
to prisons.

For preparing and printing a manual of laws relative to prisons, as authorized by chapter fifty-three of the resolves of the present year, a sum not exceeding four hundred dollars.

Samuel
Bunting.

For Samuel Bunting, as authorized by chapter fifty-four of the resolves of the present year, the sum of two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1904.

Chap. 317 AN ACT RELATIVE TO DAMAGES FOR THE TAKING OF PROPERTY
BY RIGHT OF EMINENT DOMAIN.

Be it enacted, etc., as follows:

Payment of
damages for
the taking of
property by
right of
eminent
domain, etc.

SECTION 1. In all cases of property, real or personal, taken by right of eminent domain, or subjected to restrictions, limitations or regulations by the Commonwealth, or by any county, city or town therein, the Commonwealth or such county, city or town may, at any time after such taking, or after the imposition of such restrictions, limitations or regulations, estimate and award to any person, city, town or corporation injured by such taking or by such imposition, the damages recoverable therefor, and may offer in writing to pay to such person, city, town or corporation the amount of such award, with interest thereon, as provided by law, from the date of such taking or such imposition, together with taxable costs if a petition or other proceeding for assessment of such damages is pending. The person, city, town or corporation to whom or to which such offer is made, may reject or accept the same, and acceptance thereof may be either in full satisfaction of all damages so sustained, or as a payment *pro tanto* without prejudice to any right to have said damages assessed by a jury or other competent tribunal. After notice of such offer, made as aforesaid, or payment of the amount thereof, if payment be made, no interest shall be recoverable, except upon such amount in damages as shall, upon final adjudication, be in excess of the amount of said offer: *provided*, that all taxable costs accruing subsequently to said offer shall be recoverable by the petitioner in all cases.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1904.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL *Chap.318*
MEMBER OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and eight of the Revised Laws is hereby amended by striking out the words "thirteen members", in the fifth line, and inserting in place thereof the words: — fourteen members, one of whom shall give his whole time to enforcing the provisions of sections fifty-six and fifty-seven of chapter two hundred and twelve of the Revised Laws in relation to the arrest of tramps, — so as to read as follows: — *Section 1.* There shall be a district police force divided into an inspection department and a detective department. The inspection department shall consist of the chief of said force, thirty-three male and two female members; the detective department shall consist of said chief and fourteen members, one of whom shall give his whole time to enforcing the provisions of sections fifty-six and fifty-seven of chapter two hundred and twelve of the Revised Laws in relation to the arrest of tramps. The chief shall be the head of each of said departments. Each member of the district police force shall be appointed by the governor for a term of three years, and may be removed by him. Vacancies in either of said departments shall be filled by appointment to the department in which the vacancy occurs.

R. L. 108, § 1,
amended.

District police
force, appoint-
ment, term,
etc.

Vacancies.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1904.

AN ACT TO PROVIDE FOR THE ELECTION OF FISH WARDENS BY *Chap.319*
THE TOWN OF EDGARTOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Edgartown is hereby authorized to choose at any annual town meeting, or at any meeting duly called for the purpose, fish wardens, in such number and with such compensation as the town may determine, who shall be sworn to the faithful discharge of their duty, which shall be to enforce the fishery laws in that town; and for this purpose the fish wardens so chosen shall have the powers which the district police now have

Town of
Edgartown
may elect fish
wardens, etc.

or shall hereafter have for the enforcement of the fishery laws of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1904.

Chap. 320 AN ACT RELATIVE TO THE VENUE OF ACTIONS BROUGHT TO RECOVER FOR CERTAIN INJURIES OR DAMAGES.

Be it enacted, etc., as follows :

R. L. 167, § 6,
amended.

Section six of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by striking out the word "or", in the first line, by inserting after the word "person", in the same line, the words : — or corporation, — by striking out the words "said person resides", in the fifth line, and inserting in place thereof the words : — in the county in which the plaintiff lives, — by striking out the word "resides", in the seventh line, and inserting in place thereof the word : — lives, — and by adding at the end of said section the words : — An action against a city, town, person, or corporation to recover for injury or damage received in this Commonwealth by reason of negligence other than that relating to such defect, want of repair or insufficient railing, shall be brought in the county in which the plaintiff lives or has his usual place of business, or in the county in which the alleged injury or damage was received, — so as to read as follows : — *Section 6.*

Venue of
actions against
towns, etc.,
for damages,
etc., caused by
defective
highways, etc.

An action against a city, town, person, or corporation to recover for injury or damage received by reason of a defect, want of repair or of an insufficient railing in or upon a highway, town way, causeway or bridge shall be brought in the county in which said city or town is situated or in the county in which the plaintiff lives; but such action against the city of Boston may be brought in the county of Middlesex, in the county of Norfolk or in the county in which the plaintiff lives, and such action against the town of Nantucket or against any town in the county of Dukes County may be brought in the county of Bristol. An action against a city, town, person, or corporation to recover for injury or damage received in this Commonwealth by reason of negligence other than that relating to such defect, want of repair or insufficient railing, shall be brought in the county in which the plaintiff lives or has his usual place of business, or in the county in which the alleged injury or damage was received.

Approved May 9, 1904.

AN ACT FURTHER TO PROTECT AND PERPETUATE A CERTAIN *Chap.321*
ALEWIFE FISHERY IN THE TOWN OF SANDWICH.

Be it enacted, etc., as follows :

SECTION 1. Levi S. Nye and John A. Holway, their heirs and assigns, shall have for the term of ten years from the date of the passage of this act, the exclusive right to take and catch alewives in the stream known as " Mill River ", from its sources in the " Shawme Lakes or Ponds ", so-called, through the marshes in the town of Sandwich to the waters of Cape Cod bay : *provided*, that the said Nye and Holway, their heirs and assigns, shall construct and maintain a good and sufficient passageway over or around the dam or dams which now are or may hereafter be erected upon said stream to enable fish to enter the ponds above such dam or dams, and shall keep such passageway open and unobstructed from the first day of April to the fourteenth day of June, inclusive, of each year.

Levi S. Nye and John A. Holway, etc., to have exclusive rights for ten years in certain alewife fishery in Sandwich.

Proviso.

SECTION 2. Said Nye and Holway, and their heirs and assigns, may catch alewives during two thirds of the period specified in section one, that is to say, upon fifty days out of the seventy-five days between the first day of April and the fourteenth day of June, inclusive, of each year.

Catching of alewives restricted.

SECTION 3. Any person or persons taking alewives in said Mill river or in the said lakes or ponds without the written consent of the said Nye and Holway, or of their heirs and assigns, shall, upon the complaint of said Nye or Holway, or of their or any of their heirs or assigns, or of any person in their behalf, forfeit not less than ten nor more than twenty dollars for each offence. Half of every such forfeiture shall be paid to said Nye and Holway or to their heirs or assigns.

Penalty.

Approved May 9, 1904.

AN ACT TO PROVIDE FOR THE AUDITING OF CERTAIN TRUST FUNDS *Chap.322*
AND ACCOUNTS.

Be it enacted, etc., as follows :

SECTION 1. It shall be the duty of city and town auditors at least once every year, and so much oftener as they may deem it necessary, to audit the accounts of the trustees of any property the principal or income of which, in whole or in part, was bequeathed or given in trust for the benefit of the city or town or any part thereof, or for the benefit of the

City and town auditors to audit certain trust funds and accounts, etc.

inhabitants of the city or town or of any part thereof, and to examine and estimate the funds, securities and evidences of property held by such trustees. City and town auditors shall include in their annual reports a report of such auditing and investigation; and if they discover any fraud or irregularity they shall immediately report the same to the mayor and treasurer of the city or to the selectmen and treasurer of the town.

Auditors to be given free access to accounts, etc.

SECTION 2. It shall be the duty of the trustees designated in section one hereof to give city and town auditors free access to their accounts, funds, securities and evidences of property; and any such trustee who refuses to exhibit his trust accounts, funds, securities and evidences as aforesaid shall be subject to a fine of not less than fifty nor more than two hundred dollars.

To apply only to certain property.

SECTION 3. This act shall be construed as applying only to property held in trust for public uses.

Approved May 9, 1904.

Chap. 323 AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding five hundred and seven thousand two hundred and fifty dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prison and Hospital Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such

Prison and Hospital Loan.

rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth, but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

SECTION 2. From the aforesaid loan expenditures may be made as follows: — By the trustees of the Massachusetts School for the Feeble-Minded, a sum not exceeding forty-five thousand dollars, for the following purposes: — For constructing and furnishing two houses for attendants, a sum not exceeding thirty thousand dollars, and for an addition to the electric lighting plant, a sum not exceeding fifteen thousand dollars. By the trustees of the Northampton insane hospital, a sum not exceeding ten thousand dollars, for the following purposes: — For completing and furnishing a ward for women patients, a sum not exceeding thirty-five hundred dollars; and for furnishing the men's infirmary, a sum not exceeding six thousand five hundred dollars. By the trustees of the state colony for the insane at Gardner, a sum not exceeding eighty-eight thousand four hundred and fifty dollars, for the following purposes: — For constructing and furnishing buildings for patients, with barn and water supply, a sum not exceeding fifty-six thousand dollars; for filter beds for sewage disposal, a sum not exceeding fifteen thousand dollars; for ice house, hoisting machinery, mechanics' building, spur track, coal trestle and road repairing tools, a sum not exceeding sixteen thousand six hundred and fifty dollars; and for the purchase of land, a sum not exceeding eight hundred dollars. By the trustees of the Taunton insane hospital, a sum not exceeding one hundred and sixteen thousand eight hundred dollars, for the following purposes: — For repairing, reconstructing and refurnishing that part of the hospital recently damaged by fire, a sum not exceeding twenty-

Massachusetts
School for the
Feeble-
Minded.

Northampton
insane
hospital.

State colony
for the insane
at Gardner.

Taunton in-
sane hospital.

Taunton in-
sane hospital.

seven thousand three hundred and fifty dollars ; for fire-proof doors, frames, casings, transoms and galvanized iron flues, a sum not exceeding sixty-two hundred dollars ; for laying a new water main for fire protection, a sum not exceeding twelve thousand dollars ; for an addition to the laundry, a sum not exceeding ten thousand dollars ; for laundry machinery, a sum not exceeding four thousand dollars ; for finishing and furnishing the attic of the women nurses' house, a sum not exceeding thirty-three hundred dollars ; for a farm building, a sum not exceeding sixteen hundred dollars ; and for installing an electric plant to light and furnish power for said hospital, a sum not exceeding fifty-two thousand three hundred and fifty dollars.

Repeal.

Chapter one of the resolves of the present year, providing for certain repairs and improvements at the Taunton insane hospital, and so much of chapter one hundred and ninety of the acts of the present year as appropriates the money for said repairs, are hereby repealed. By the trustees of

Westborough
insane
hospital.

the Westborough insane hospital, a sum not exceeding seventy-five thousand dollars, for the following purposes :

— For constructing and furnishing a building for cases of acute insanity, a sum not exceeding thirty thousand dollars ; for constructing and furnishing houses for employees, a sum not exceeding thirty thousand dollars ; for a building for pathological work, a sum not exceeding seven thousand dollars, the same to be in addition to the five thousand dollars authorized by chapter four hundred and thirty-four of the acts of the year nineteen hundred and two for the same purpose ; and for a superintendent's

Worcester
insane asylum.

house, a sum not exceeding eight thousand dollars. By the trustees of the Worcester insane asylum, a sum not exceeding one hundred and sixty-two thousand dollars, for the following purposes : — For constructing and furnishing a building for disturbed patients at the Grafton colony, a sum not exceeding eighty thousand dollars ; for further colony development, including accommodations for fifty patients at the Grafton colony, a sum not exceeding thirty thousand dollars ; for power house and extension of railroad track at the Grafton colony, a sum not exceeding twenty-six thousand dollars ; for an electric lighting plant at the Grafton colony, a sum not exceeding twenty thousand dollars ; and for the construction of a refrigerating plant at the Worcester insane asylum, a sum not exceeding six thousand dollars. By the trustees of the

Worcester insane hospital, a sum not exceeding ten thousand dollars, for a pathological building and morgue.

Worcester insane hospital.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1904.

AN ACT TO AUTHORIZE THE TOWN OF IPSWICH TO FURNISH ELECTRICITY TO THE TOWN OF ROWLEY AND ITS INHABITANTS.

Chap. 324

Be it enacted, etc., as follows :

SECTION 1. The town of Ipswich is hereby authorized, upon the approval of the board of selectmen of the town of Rowley and of the board of gas and electric light commissioners, to construct or acquire within the town of Rowley a plant or system for the distribution and sale of electricity, and to carry on the business of furnishing electricity for light, heat and power in the town of Rowley, the same to be manufactured however at its central station in Ipswich. The town of Ipswich, in all matters authorized or undertaken under and by virtue of this act in the town of Rowley, shall have all the rights, powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to companies engaged in the transmission of electricity for light or power, with the exceptions that its manufactory shall be within its own territorial limits, and that if at any time the town of Rowley shall determine to own and operate an entire municipal lighting plant, then the town of Ipswich shall be bound to sell its distributing plant in the town of Rowley to said town of Rowley, at a price to be agreed upon, or else to be determined in the manner provided by law in cases of towns acquiring the lighting plants of private companies ; but in voting upon, or appropriating or borrowing money for, anything authorized by this act, the town of Ipswich shall be governed by and shall proceed under the laws relating to the enlargement or extension of municipal lighting plants.

Town of Ipswich may furnish electricity in town of Rowley, etc.

Town of Rowley may purchase distributing plant, etc.

SECTION 2. If the town of Rowley or any person, firm or corporation shall have constructed or acquired in said town, in the manner required by law, a plant for the distribution and sale of electricity for light, heat or power, before the town of Ipswich shall have obtained the approval of the selectmen of the town of Rowley and of the board of gas and electric light commissioners, as provided in the preceding section, then instead of proceeding under said

Town of Ipswich may contract for supplying electricity under certain conditions.

section, the town of Ipswich is hereby authorized to furnish and sell electricity to the town of Rowley or to such person, firm or corporation, at any point or points on the dividing line between said towns, and may contract for a term of years with the owner or owners of said plant for supplying electricity to the same.

Approved May 13, 1904.

Chap.325 AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF THE REAL ESTATE AND BUILDING COMPANY.

Be it enacted, etc., as follows :

Certain proceedings, etc., of the Real Estate and Building Company confirmed.

SECTION 1. The proceedings of the Real Estate and Building Company, a corporation duly organized under the provisions of chapter twenty-two of the acts of the year eighteen hundred and sixty-one, appearing on its records, and all conveyances and transfers of property by said company, or purporting to be in its name and behalf, made before the passage of this act and after the expiration of three years from the time when the charter of said corporation expired by its limitation, are hereby ratified and confirmed, and the same shall be taken to be as valid, to all intents and purposes, as if the charter of said corporation had not expired : *provided*, that such ratification shall not impair the legal rights of any person ; and the charter of said company is hereby revived so far as necessary for the purposes aforesaid, but only to that extent.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.326 AN ACT TO PROVIDE FOR THE CONSTRUCTION BY THE METROPOLITAN PARK COMMISSION OF A PUBLIC BATH HOUSE ON NAHANT BEACH.

Be it enacted, etc., as follows :

The metropolitan park commission to construct a public bath house on Nahant beach, etc.

SECTION 1. The metropolitan park commission is hereby authorized and directed to construct, and thereafter to maintain, on the land taken in the town of Nahant for the Nahant Beach parkway, and at the locality specified by the commission in its annual report for the year nineteen hundred and two, a public bath house, with the necessary appurtenances ; and the said commission is hereby authorized to make such changes in the roadways as may be necessary or convenient for this purpose. The commission may establish rules and regulations and make reasonable charges

May establish rules and regulations, etc.

for the use of the bath house, and all sums received for such use shall be paid to the treasurer and receiver general, and shall be placed by him to the credit of the Metropolitan Parks Expense Fund, and may be expended by the said commission in addition to any loans or appropriations authorized for park purposes.

SECTION 2. To meet expenditures made under authority of this act the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the amount of seventy thousand dollars as an addition to the Metropolitan Parks Loan, at such times and in such sums as the metropolitan park commission shall certify to him to be necessary to meet the liabilities incurred by said commission under the act aforesaid, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued and additions to said sinking fund shall be assessed and collected in accordance with the provisions of sections nine, ten, eleven and twelve of said chapter four hundred and seven, and in accordance with the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five and of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine.

Metropolitan
Parks Loan.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1904.

AN ACT TO PROVIDE FOR THE PENSIONING OF PERMANENT MEMBERS OF POLICE DEPARTMENTS AND FIRE DEPARTMENTS IN TOWNS.

Chap. 327

Be it enacted, etc., as follows:

SECTION 1. The selectmen of every town which accepts this act shall retire from active service and place upon the pension roll any permanent member of the police department and any permanent member of the fire department of such town found by them to be permanently incapacitated, mentally or physically, for useful service in the department to which he belongs, by injuries received through no fault of his own in the actual performance of his duty. They may also retire and place upon the pension roll any permanent member of either of said departments who has per-

Certain members of the police and fire departments in towns accepting this act to be pensioned, etc.

formed faithful service in the department for not less than twenty-five years continuously, and is not less than sixty years of age. Every person retired under the provisions of this act shall annually receive as a pension a sum equal to one half of the annual compensation received by him at the time of his retirement. Such pensions shall be paid by the town, which shall appropriate money therefor.

Persons pensioned may be called upon for temporary service in cases of emergency.

SECTION 2. The selectmen of any town which accepts this act are hereby authorized, in case of an emergency, to call upon any person so pensioned by such town for such temporary service in the department from which he was retired as they may deem him fitted to perform, and during such service he shall be entitled to full pay.

When to take effect.

SECTION 3. This act shall take effect upon its passage so far as to allow any town to vote upon the acceptance of the same, but shall not take full effect in any town until it has been accepted by a vote of two thirds of the voters of such town present and voting thereon at an annual town meeting.

Approved May 13, 1904.

Chap. 328 AN ACT TO PROVIDE FOR CERTAIN PAYMENTS BY THE COUNTY OF BRISTOL FOR THE LAW LIBRARIES AT NEW BEDFORD AND FALL RIVER.

Be it enacted, etc., as follows:

County of Bristol to make certain payments for law libraries.

SECTION 1. The treasurer of the county of Bristol shall pay over annually to the treasurers of the bar associations in the cities of New Bedford and Fall River, respectively, all sums authorized by law to be expended by said county, including naturalization fees, for the law libraries established in said cities. These sums shall be used for maintaining and enlarging said libraries as established under the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap. 329 AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF PICKEREL.

Be it enacted, etc., as follows:

R. L. 91, § 67, amended.

Section sixty-seven of chapter ninety-one of the Revised Laws is hereby amended by striking out the words "the county of Berkshire", in the first and second lines, and

inserting in place thereof the words:—this Commonwealth,—by striking out the words “in said county”, in the third line, and by inserting after the word “taken”, in the fifth line, the words:—held in possession,—so as to read as follows:—*Section 67.* Whoever takes from the waters of this Commonwealth a pickerel less than ten inches in length, or sells or offers for sale, or has in his possession with intent to sell any such pickerel, shall forfeit one dollar for each pickerel so taken, held in possession, sold or offered or exposed for sale; and in prosecutions under the provisions of this section the possession of pickerel less than ten inches in length shall be *prima facie* evidence to convict.

Taking, etc.,
of pickerel
regulated.

Approved May 13, 1904.

AN ACT TO INCORPORATE THE MARIA HAYES HOME FOR AGED PERSONS.

Chap. 330

Be it enacted, etc., as follows:

SECTION 1. Edward Clark, Oliver A. Felch and William Nutt, their associates and successors, are hereby made a corporation by the name of the Maria Hayes Home For Aged Persons, to be located in the town of Natick, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

Maria Hayes
Home for Aged
Persons
incorporated.

SECTION 2. The object of the said corporation shall be to carry out the trust created by the will of Maria Hayes, late of Natick, who devised and bequeathed certain property to the persons above named as trustees according to the following trust:—“To establish and maintain an old people’s home where old persons of respectable character shall be admitted and cared for in their declining years”. It shall be the duty of the said corporation to carry out the trust so expressed; and it is authorized to take, hold and use any other property which may be given to it by will or otherwise, in trust or otherwise, for the purposes of the corporation.

Object of
corporation,
etc.

SECTION 3. The officers of the corporation shall be a president, secretary and treasurer, who shall be elected annually. The secretary shall keep a record of the acts of the corporation in a book prepared for the purpose, in which he shall also record a copy of this act of incorporation. The treasurer shall give a bond, with sureties satisfactory to the corporation, in double the amount of the

Officers, elec-
tion, duties,
etc.

Vacancies in membership.

property intrusted to him, conditioned that he shall safely keep, invest and pay out the funds intrusted to him. The corporation shall have power to fill any vacancies in the membership of the corporation occasioned by death, resignation or otherwise.

May dispose of real or personal property, etc.

SECTION 4. The said corporation is hereby authorized to sell or dispose of, at public or private sale, any real or personal property, or any interest in or title thereto, which it may hold under the said will, and to settle and compound with any persons who may have or claim any interest in or title to such property: *provided*, that the proceeds of any such sale or settlement shall be applied by the said trustees to the purposes of the corporation.

Proviso.

May hold real estate and personal property.

SECTION 5. The said corporation may hold real estate to the value of twenty thousand dollars, and personal property to the value of fifty thousand dollars.

SECTION 6. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.331

AN ACT TO PROVIDE FOR COMPENSATING THE JUSTICE OF THE FIRST DISTRICT COURT OF BARNSTABLE FOR CLERICAL WORK.

Be it enacted, etc., as follows :

Justice of first district court of Barnstable, clerical work.

SECTION 1. There shall be paid and allowed to the justice of the first district court of Barnstable three hundred dollars a year for clerical work.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.332

AN ACT TO AUTHORIZE AN ANNUAL APPROPRIATION FOR REGULATING THE SALE OF CONCENTRATED COMMERCIAL FEED STUFFS.

Be it enacted, etc., as follows :

1903, 122, § 10, amended.

SECTION 1. Section ten of chapter one hundred and twenty-two of the acts of the year nineteen hundred and three is hereby amended by striking out the words " for the present year ", in the fourth line, and inserting in place thereof the word : — annually, — so as to read as follows : — *Section 10.* To defray the expenses of making the analyses and of carrying out the regulations provided for or made by or under this act the sum of three thousand dollars shall be allowed annually from the treasury of the Commonwealth, payable in semi-annual payments.

Payment of expenses of making analyses of concentrated commercial feed stuffs, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

AN ACT RELATIVE TO THE HEIGHT OF BUILDINGS IN THE CITY *Chap. 333*
OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston shall be divided into districts of two classes, to be designated districts A and B. The boundaries of the said districts, established as hereinafter provided, shall continue for a period of fifteen years, and shall be determined in such manner that those parts of the city in which all or the greater part of the buildings situate therein are at the time of such determination used for business or commercial purposes shall be included in the district or districts designated A, and those parts of the city in which all or the greater part of the buildings situate therein are at the said time used for residential purposes or for other purposes not business or commercial shall be in the district or districts designated B.

City of Boston to be divided into districts of two classes, etc.

SECTION 2. Upon the passage of this act the mayor of the city shall appoint a commission of three members, to be called "Commission on Height of Buildings in the City of Boston". The commission shall immediately upon its appointment give notice and public hearings, and shall make an order establishing the boundaries of the districts aforesaid, and, within one month after its appointment, shall cause the same to be recorded in the registry of deeds for the county of Suffolk. The boundaries so established shall continue for a period of fifteen years from the date of the said recording. Any person who is aggrieved by the said order may, within thirty days after the recording thereof, appeal to the commission for a revision; and the commission may, within six months after its appointment, revise such order, and the revision shall be recorded in the registry of deeds for the county of Suffolk, and shall date back to the original date of recording. The members of the commission shall serve until the districts have been established as aforesaid; and any vacancy in the commission caused by resignation, death or inability to act shall be filled by the mayor, on written application by the remaining members of the commission or of ten inhabitants of the city. The members of the commission shall receive such compensation as the mayor shall determine.

Commission on Height of Buildings in the City of Boston, appointment, duties, etc.

Vacancy, etc.

Compensation.

SECTION 3. In the city of Boston no building shall be erected to a height of more than one hundred and twenty-five feet above the grade of the street in any district des-

Height to which buildings may be erected.

ignated A, and no building shall be erected to a height of more than eighty feet above the grade of the street in any district designated B. These restrictions shall not apply to grain or coal elevators or sugar refineries in any district designated A, nor to steeples, domes, towers or cupolas erected for strictly ornamental purposes, of fireproof material, on buildings of the above height or less in any district.

Enforcement
of provisions.

The supreme judicial court and the superior court shall each have jurisdiction in equity to enforce the provisions of this act, and to restrain the violation thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.334

AN ACT RELATIVE TO THE TIME FOR VOTING ALLOWED TO THE EMPLOYEES OF CERTAIN ESTABLISHMENTS.

Be it enacted, etc., as follows:

R. L. 11, § 5,
etc., amended.

Time to be
allowed for
voting of
employees.

SECTION 1. Chapter eleven of the Revised Laws is hereby amended by striking out section five as amended by section one of chapter three hundred and eighty-four of the acts of the year nineteen hundred and two, and inserting in place thereof the following:— *Section 5.* No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.335

AN ACT TO PROVIDE FOR REGISTRATION OF THE INSIGNIA OF SOCIETIES, ASSOCIATIONS AND LABOR UNIONS, AND TO PROHIBIT THE UNAUTHORIZED USE THEREOF.

Be it enacted, etc., as follows:

Registration of
insignia, etc.,
of societies,
labor unions,
etc.

SECTION 1. The insignia, ribbons, badges, rosettes, buttons and emblems of any society, association or labor union may be registered in the office of the secretary of the Commonwealth in the manner and subject to the provisions, so far as they are applicable, set forth in section seven

of chapter seventy-two of the Revised Laws in regard to labels ; and the secretary is hereby authorized to make regulations and prescribe forms for such registration.

SECTION 2. Whoever, not being a member of a society, association or labor union, for the purpose of representing that he is a member thereof, wilfully wears or uses the insignia, ribbon, badge, rosette, button or emblem thereof, if the same has been registered in the office of the secretary of the Commonwealth, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for unauthorized use, etc.

SECTION 3. Chapter four hundred and thirty of the acts of the year nineteen hundred and two and chapter two hundred and seventy-five of the acts of the year nineteen hundred and three are hereby repealed.

Repeal.

Approved May 13, 1904.

AN ACT RELATIVE TO THE SALE OF HORSES AT AUCTION IN THE CITY OF BOSTON. Chap.336

Be it enacted, etc., as follows :

SECTION 1. No person shall use or occupy for the sale of horses at auction any place within the building limits of the city of Boston as they are now established, unless such place is so used or occupied at the date of the passage of this act, and any place so used or occupied at the date of the passage of this act shall cease to be so used or occupied on the first day of January in the year nineteen hundred and six.

Sale of horses at auction in certain places in Boston prohibited.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

AN ACT TO AUTHORIZE THE SPRINGFIELD GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWN OF AGAWAM. Chap.337

Be it enacted, etc., as follows :

SECTION 1. The Springfield Gas Light Company is hereby authorized, upon the approval of the selectmen of the town of Agawam and of the board of gas and electric light commissioners, to carry on the business of furnishing gas for heat, light and power in the town of Agawam ; with all the rights, powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general

The Springfield Gas Light Company may do business in Agawam.

laws now or hereafter in force applicable to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.338 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO REPAY TO HATTIE M. CHAMBERLAIN CERTAIN TAXES ERRONEOUSLY COLLECTED.

Be it enacted, etc., as follows :

Town of Stoneham may pay a certain sum to Hattie M. Chamberlain.

SECTION 1. The selectmen of the town of Stoneham are hereby authorized to pay from the treasury of the town to Hattie M. Chamberlain the sum of thirty-nine dollars and sixty-three cents, being the amount of taxes erroneously paid to the town by her in the years eighteen hundred and ninety to eighteen hundred and ninety-two, inclusive.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap.339 AN ACT TO ABOLISH THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF HYDE PARK.

Be it enacted, etc., as follows :

Board of sewer commissioners of Hyde Park abolished, etc.

SECTION 1. The board of sewer commissioners of the town of Hyde Park is hereby abolished, and the powers and duties now pertaining to that board shall hereafter pertain to the selectmen of the town.

Pending business not affected, etc.

SECTION 2. No contracts, rights, liabilities, takings, assessments, suits or other business now existing or pending shall be affected by this act, but the selectmen shall in all respects and for all purposes be the lawful successors of the said board of sewer commissioners.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the voters of the said town voting thereon at a legal meeting called for the purpose. The vote shall be by ballot, and the check list shall be used.

Approved May 13, 1904.

Chap.340 AN ACT TO EXTEND THE CORPORATE POWERS OF THE TURNERS FALLS COMPANY.

Be it enacted, etc., as follows :

The Turners Falls Company may distribute, etc., electricity

SECTION 1. The Turners Falls Company is hereby authorized to generate and store electricity in the towns of

Montague and Greenfield, and to transmit, sell and distribute electricity in any city or town in the counties of Franklin and Hampshire, upon receiving the approval of the mayor and aldermen of any such city or the selectmen of any such town, excepting the towns of Bernardston, Deerfield, Shelburne, Buckland, Amherst, Orange and Greenfield, and also in such part of the town of Greenfield as is or may be owned by said Turners Falls Company, and to transmit, sell and distribute electricity to street railway companies whose tracks are located wholly or partly in the county of Franklin, for the purposes and subject to the limitations and restrictions hereinafter expressed.

SECTION 2. The said company may erect and maintain necessary poles for the support of wires and may string and maintain wires thereon upon private land, with the assent of the owners thereof, and in, through or over any streets or highways, subject however to the provisions of sections one to five, inclusive, of chapter one hundred and twenty-two, and of sections twenty-six and twenty-seven of chapter one hundred and twenty-one of the Revised Laws, and of all other general laws now or hereafter applicable thereto; and said company may lay its wires, or any part thereof, underground, upon obtaining the same permissions which are required for overhead lines by the provisions of said sections of the Revised Laws. Said company shall, with respect to generating, storing, transmitting, selling and distributing electricity, except as otherwise provided herein, be subject to all general laws now or hereafter in force applicable to corporations engaged in the manufacture, transmission or sale of electricity for power, except street railway companies.

SECTION 3. The said company may furnish electricity for mechanical, manufacturing, railroad and railway purposes, and may furnish electricity to municipalities and companies located in the counties of Franklin or Hampshire and engaged in the business of furnishing electricity for light, heat or power, but said company shall not engage, directly or indirectly, in furnishing electricity for use for light, heat or power, except as aforesaid. The said company may also lease any part of its water power not used by it to persons or corporations for the generation of electricity in the town of Montague for use therein.

SECTION 4. The said company may, for the purposes of creating a water power, construct, maintain and use a

In certain cities and towns.

May erect poles, maintain wires, etc.

To be subject to certain provisions of law.

May furnish electricity for certain purposes, etc.

May lease part of its water power.

May construct a dam across the Connecticut river, etc.

dam across the Connecticut river between Greenfield and Montague, subject to all general laws relative thereto.

To furnish electricity within five years.

SECTION 5. Unless said company shall install a plant and furnish electricity under the provisions of this act within five years after its passage all rights granted herein shall cease, except in the town of Montague.

To supply electricity for power within ten years.

SECTION 6. The right to sell or distribute electricity under the provisions of this act shall cease at the end of ten years after the passage of this act, in every city or town, except Montague, in which said company shall not have entered upon the supply and sale of electricity for power, in accordance with the terms hereof.

Certain powers not abridged.

SECTION 7. Nothing herein contained shall be so construed as to abridge the powers heretofore granted to said corporation.

SECTION 8. This act shall take effect upon its passage.

Approved May 13, 1904.

Chap. 341 AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN GREENFIELD TO BORROW MONEY FOR THE CONSTRUCTION OF A RESERVOIR AND WORKS IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Greenfield Fire District Reservoir Loan.

SECTION 1. Fire District Number One in the town of Greenfield, for the purpose of paying the necessary expenses of constructing and completing a reservoir upon Glen brook in Leyden, with dams, conduits, pipes and other works incident thereto, authorized by chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy, may issue from time to time bonds, notes or scrip, to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Greenfield Fire District Reservoir Loan, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum, and shall be signed by the treasurer and countersigned by the prudential committee of said fire district or a majority thereof. Said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

SECTION 2. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of the loan and shall be used for no other purpose. Instead of establishing a sinking fund the said fire district may, at the time of authorizing the said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town of Greenfield and collected in each year thereafter in the same manner in which other taxes are assessed and collected under the provisions of section sixty-three of chapter thirty-two of the Revised Laws, until the debt so incurred by said fire district is extinguished.

Sinking fund.

May provide for annual payments on loan.

SECTION 3. The said fire district shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Certain sum to be raised by taxation annually.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1904.

AN ACT TO AUTHORIZE THE MIDDLEBOROUGH, WAREHAM AND BUZZARD'S BAY STREET RAILWAY COMPANY TO MAKE CERTAIN CONTRACTS WITH OTHER STREET RAILWAY COMPANIES.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. The Middleborough, Wareham and Buzzard's Bay Street Railway Company may make contracts with any other street railway company or companies with the railways of which its own railway connects, for the conveyance and transportation over the lines of such connecting companies of its cars, passengers and such baggage and merchandise as it is authorized to transport over its own railway, and such other companies may enter into like contracts with the Middleborough, Wareham and

The Middleborough, Wareham and Buzzard's Bay Street Railway Company may make certain contracts with other street railway companies, etc.

Buzzard's Bay Street Railway Company, and may carry out the terms and provisions thereof and perform the business thereby contemplated, but only to such extent and in such manner as regards transportation of baggage and merchandise in any city or town as the aldermen or selectmen thereof shall approve, and subject to the same restrictions which are applicable by law to the Middleborough, Wareham and Buzzard's Bay Street Railway Company in carrying on a similar business upon its own railway.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1904.

Chap. 343 AN ACT TO PROHIBIT THE CORRUPT INFLUENCING OF AGENTS, EMPLOYEES OR SERVANTS.

Be it enacted, etc., as follows :

Corrupt influencing of agents, employees or servants prohibited.

SECTION 1. Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to his principal's, employer's or master's business ; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business ; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor ; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Penalty.

No person shall be excused from testifying, etc., on the ground that the testimony may tend

SECTION 2. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpoena of any court having jurisdiction of the misde-

meanor on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpoena or in any such case or proceeding.

to criminate him, etc.

Not to be liable to prosecution, etc.

Approved May 14, 1904.

AN ACT RELATIVE TO TOWN BY-LAWS AND THE PUBLICATION THEREOF.

Chap.344

Be it enacted, etc., as follows :

SECTION 1. Chapter twenty-five of the Revised Laws is hereby amended by striking out section twenty-six and inserting in place thereof the following : — *Section 26.* Before a by-law takes effect it shall be approved by the attorney-general, and shall be published at least three times in one or more newspapers published in the town, if there be any such, otherwise in one or more newspapers published in the county in which the town is situated.

R. L. 25, § 26, amended.

Town by-laws to be approved and published.

SECTION 2. Any by-law heretofore adopted by a town shall, when published as aforesaid, take effect : *provided*, that it has not been disapproved by the superior court.

When by-laws heretofore adopted shall take effect.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1904.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO SUBSCRIBE FOR ADDITIONAL SHARES OF THE CAPITAL STOCK OR BONDS OF THE PLYMOUTH, CARVER AND WAREHAM STREET RAILWAY COMPANY.

Chap.345

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and eighty-one of the acts of the year nineteen hundred and three is hereby amended by striking out the word "fifteen", in the fourth line, and inserting in place thereof the word : — thirty, — so as to read as follows : — *Section 1.* The town of Plymouth is hereby authorized to subscribe for and hold shares of the capital stock or bonds of the Plymouth, Carver and Wareham Street Railway Company to the amount of thirty thousand dollars and in the manner provided for by sections forty-nine to fifty-four,

1903, 181, § 1, amended.

Town of Plymouth may hold stock, etc., of a certain street railway company.

both inclusive, of chapter one hundred and eleven of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1904.

Chap.346 AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO PAY A CERTAIN SUM OF MONEY TO THE HEIRS OF TIMOTHY MYLOTT.

Be it enacted, etc., as follows:

City of Fitchburg may pay a certain sum to the heirs of Timothy Mylott.

SECTION 1. The city of Fitchburg is hereby authorized to repay to the heirs of Timothy Mylott all moneys, not exceeding two hundred thirty-three dollars and seventy cents, paid by them to the said city during the years eighteen hundred and ninety-two to eighteen hundred and ninety-nine, inclusive, for taxes upon real estate in the said city which was exempt by law from taxation.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1904.

Chap.347 AN ACT TO PROVIDE FOR PROTECTING OPERATIVES IN FACTORIES FROM INJURY BY FLYING SHUTTLES.

Be it enacted, etc., as follows:

Looms in factories to be equipped with guards, etc.

SECTION 1. It shall be the duty of all persons owning, managing or operating factories in this Commonwealth in which looms are employed, to equip the looms with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms.

To be approved by the inspection department of the district police, etc.

SECTION 2. Such guards or other devices shall be made of such material and placed in such manner as shall be approved by the inspection department of the district police, who are hereby directed to enforce the provisions of this act.

Penalty.

SECTION 3. Any person, firm or corporation violating any provision of this act shall be punished by a fine of not more than one hundred dollars for every week during which such violation continues.

To take effect January 1, 1905.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and five.

Approved May 16, 1904.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL *Chap.348*
MASTERS IN CHANCERY FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows :

SECTION 1. Section fifty-two of chapter one hundred and sixty-five of the Revised Laws is hereby amended by striking out the word "seven", where it first occurs in the fourth line, and inserting in place thereof the word : — eleven, — so as to read as follows : — *Section 52.* The governor, with the advice and consent of the council, shall, as vacancies occur, appoint masters in chancery so that the number thereof in the several counties shall be eleven in Suffolk, nine in Essex, eleven in Middlesex, seven in Worcester and not more than five in any other county. They shall be sworn, and shall hold their offices for a term of five years, unless sooner removed by the governor and council.

R. L. 185, § 52,
amended.

Masters in
chancery,
appointment,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1904.

AN ACT TO PROVIDE FOR THE PROTECTION OF PERSONS FURNISH- *Chap.349*
ING MATERIALS OR LABOR FOR PUBLIC WORKS.

Be it enacted, etc., as follows :

SECTION 1. Officers or agents who contract in behalf of any county, city or town for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and sub-contractors for labor performed or furnished and for materials used in such construction or repair ; but in order to obtain the benefit of such security the claimant shall file with such officers or agents a sworn statement of his claim within sixty days after the completion of the work.

Protection of
persons
furnishing
materials or
labor for
public works.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1904.

AN ACT TO ABOLISH FEES FOR ALIAS OR RENEWED EXECUTIONS AND *Chap.350*
FOR RULES TO AUDITORS, MASTERS, REFEREES AND ASSESSORS.

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter two hundred and four of the Revised Laws is hereby amended by striking

R. L. 204, § 2,
amended.

out the tenth line, as follows: "For an alias or renewed execution, twenty-five cents."

R. L. 204, § 6,
amended.

SECTION 2. Section six of said chapter two hundred and four is hereby amended by striking out the twenty-first and twenty-second lines, as follows: "For a rule to an auditor, master, referee or assessor, one dollar. For an alias or renewed execution, twenty-five cents."

To take effect
January 1,
1905.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and five.

Approved May 19, 1904.

Chap.351

AN ACT RELATIVE TO THE MOUNT TOM STATE RESERVATION.

Be it enacted, etc., as follows:

1903, 264, § 1,
amended.

County com-
missioners of
Hampshire
and Hampden
counties to
take, etc.,
certain land.

Chapter two hundred and sixty-four of the acts of the year nineteen hundred and three is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The county commissioners of the county of Hampshire and of the county of Hampden, as a joint commission, are hereby authorized and directed, on or before the first day of April in the year nineteen hundred and five, to take or acquire by purchase, gift or otherwise, land not exceeding eighteen hundred acres in extent situated on or about Mount Tom and Mount Nonotuck of the Mount Tom range of mountains in the county of Hampshire, lying northerly and westerly of land on the summit and slopes of Mount Tom, now owned by the Mount Tom Railroad Company, together with land of the said railroad company situated westerly of the division line between the town of Easthampton and the city of Northampton.

Approved May 19, 1904.

Chap.352

AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO BORROW MONEY FOR A PILGRIM MONUMENT.

Be it enacted, etc., as follows:

Town of
Provincetown
may borrow
money for a
Pilgrim
monument.

SECTION 1. The town of Provincetown, for the purpose of assisting in the erection of a Pilgrim monument in that town to commemorate the first landing of the Pilgrims at that place, is hereby authorized to borrow, for a term not exceeding ten years, a sum not exceeding five thousand dollars. For the sum so borrowed the town shall give a note or notes, to be signed by its treasurer and countersigned by its selectmen, with interest at a rate not

exceeding four per cent per annum. Such note or notes shall provide for the payment of the principal in such equal annual payments as will extinguish the debt at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1904.

AN ACT RELATIVE TO THE SALARIES OF MEMBERS OF THE BOARD OF POLICE FOR THE CITY OF BOSTON AND TO THE DISPOSITION OF THE FEES RECEIVED BY SAID BOARD FOR DOG LICENSES. *Chap. 353*

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the chairman of the board of police for the city of Boston shall be five thousand dollars, and that of the other members of the board, forty-five hundred dollars each. Board of police of Boston, salaries.

SECTION 2. So much of section four of chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-five as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. So much of section one hundred and thirty-three of chapter one hundred and two of the Revised Laws as authorizes the board of police for the city of Boston to retain for its own use any part of the money paid to it as fees for dog licenses is hereby repealed. Repeal.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and five. To take effect January 1, 1906.

Approved May 20, 1904.

AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE CITY OF SOMERVILLE. *Chap. 354*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter two hundred and forty of the acts of the year eighteen hundred and ninety-nine is hereby amended by striking out the words "The committee shall consist of fourteen members", in the fourth and fifth lines, and inserting in place thereof the words: — The committee shall consist of the mayor and the president of the board of aldermen, ex officio, neither of whom shall serve as chairman, and fourteen other members, — so as to read as follows: — 1899, 240, § 28, amended.

Section 28. The management and control of the public schools shall be vested in a school committee, which shall exercise the powers conferred and discharge the duties imposed by School committee of Somerville, election, terms, etc.

law upon school committees. The committee shall consist of the mayor and the president of the board of aldermen, ex officio, neither of whom shall serve as chairman, and fourteen other members, two from each ward, elected as follows: — At the first municipal election held under this charter two members of the school committee shall be elected by and from the qualified voters of each ward, one to serve for the term of two years and one to serve for the term of one year, beginning on the first Monday of January next ensuing, and thereafter one member from each ward shall be elected in like manner at each annual municipal election, to serve for the term of two years. Vacancies occurring in the school committee shall be filled by a joint ballot of the board of aldermen and the school committee, the member so elected to be a resident of the ward entitled to the new member, and to hold office only for the remainder of the municipal year, the vacancy for the remainder of the term, if any, to be filled by the voters of said ward at the next municipal election.

Vacancies.

To be submitted to voters at next state election.

SECTION 2. This act shall be submitted to the qualified voters of the city of Somerville for acceptance at the next state election, and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance.

When to take effect.

SECTION 3. So much of this act as authorizes the submission of the question of its acceptance to the voters of the city shall take effect upon its passage, but it shall not further take effect until accepted by the voters of the city as herein provided.

Approved May 20, 1904.

Chap. 355 AN ACT RELATIVE TO ADMISSION TO THE BAR OF ATTORNEYS AT LAW AND TO THE DUTIES OF THE STATE BOARD OF BAR EXAMINERS.

Be it enacted, etc., as follows:

R. L. 185, § 40, amended.

State board of bar examiners, powers and duties.

SECTION 1. Chapter one hundred and sixty-five of the Revised Laws is hereby amended by striking out section forty and inserting in place thereof the following: — *Section 40.* Said board may, subject to the approval of the supreme judicial court, make rules with reference to examinations for admission to the bar and the qualifications of applicants therefor, and determine the time and place of all such examinations, and conduct the same. From the fees received under the provisions of the follow-

Compensation, etc.

ing section the expenses of said board, as certified by its chairman and approved by a justice of the supreme judicial court, shall be paid, and from the remainder of said fees the members shall receive such compensation as the justices of the supreme judicial court or a majority of them may allow.

SECTION 2. Said chapter one hundred and sixty-five is hereby further amended by striking out section forty-one and inserting in place thereof the following : — *Section 41.* A citizen of the United States, or an alien who has made the primary declaration of intention to become a citizen of the United States, whether man or woman, may, if of the age of twenty-one years, file a petition in the supreme judicial court or the superior court to be examined for admission as an attorney at law, and, if found qualified, to be admitted as such, whereupon, unless the court otherwise orders, the petition shall be referred to the board of bar examiners to ascertain his acquirements and qualifications. If the board reports that the petitioner is of good moral character and of sufficient acquirements and qualifications, and recommends his admission, he shall be admitted unless the court otherwise determines, and thereafter may practice in all the courts of this Commonwealth. The petitioner shall pay to the clerk of the court in which his petition is filed a fee of fifteen dollars upon the entry thereof, and a further fee of ten dollars upon the entry of any subsequent petition by him. Such fees shall be paid over by the several clerks to the treasurer and receiver general.

R. L. 185, § 41,
amended.

Petition for
examination
for admission
as an attorney,
etc.

Fees.

SECTION 3. Said chapter one hundred and sixty-five is hereby further amended by striking out section forty-three and inserting in place thereof the following : — *Section 43.* A citizen of the United States, or an alien who has made the primary declaration of intention to become a citizen of the United States, whether man or woman, who has been admitted as an attorney or counsellor of the highest judicial court of any state, district, territory or country of which he was an inhabitant may, upon petition to the supreme judicial court or to the superior court be admitted to practice in all the courts of this Commonwealth upon the production of satisfactory evidence of his good moral character and of his professional qualifications.

R. L. 185, § 43,
amended.

Admission of
attorneys from
other states,
etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 20, 1904.

Chap.356 AN ACT RELATIVE TO THE CARE OF INDIGENT AND NEGLECTED CHILDREN.

Be it enacted, etc., as follows :

Search to be made by cities and towns for indigent and neglected children.

SECTION 1. It shall be the duty of truant officers in cities and of the overseers of the poor in towns, as often as may be deemed necessary by them, to make diligent search throughout their respective cities and towns for children under the age of sixteen who are suffering want through poverty, privation or from the neglect of their parents or guardians, or of any other persons having them in charge, or from any cause whatsoever.

Temporary care to be provided.

SECTION 2. Where such children are found without parents or guardians or in charge of such parents or guardians as in the judgment of the officers or overseers aforesaid are unfit to care for children by reason of mental incapacity, dissolute habits or poverty, it shall be the duty of the officers and overseers aforesaid to provide for the temporary care of such children, until proceedings may be had against them if necessary, according to the provisions of chapter three hundred and thirty-four of the acts of the year nineteen hundred and three.

Payment of expenses.

SECTION 3. Reasonable expenses incurred by the officers and overseers aforesaid in furnishing aid as provided by this act shall be paid by the city or town wherein the persons have legal settlements, and, if they are without settlement, by the Commonwealth, after approval by the state board of charity ; and notice in writing shall be sent to the place of settlement or, if such persons are unsettled, to the state board of charity as is otherwise provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved May 20, 1904.

Chap.357 AN ACT RELATIVE TO THE ESTABLISHMENT OF WAITING ROOMS BY STREET RAILWAY COMPANIES AND TO THE INVESTIGATION OF COMPLAINTS AGAINST SUCH COMPANIES.

Be it enacted, etc., as follows :

R. L. 111, § 15, amended.

SECTION 1. Section fifteen of chapter one hundred and eleven of the Revised Laws is hereby amended by inserting after the word " railroad ", in the second line, the words : — or street railway, — and by inserting after the

word "houses", in the third line, the words : — or waiting rooms, — so as to read as follows : — *Section 15.* If the board is of opinion that repairs are necessary upon any railroad or street railway, or that an addition to its rolling stock, or an addition to or change of its stations or station houses or waiting rooms, or a change in its rates of fares for transporting freight or passengers or in the mode of operating its road and conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodation of the public, it shall in writing inform the corporation of the improvements and changes which it recommends should be made.

Railroad commissioners to give notice of necessary repairs, etc.

SECTION 2. Section sixteen of said chapter is hereby amended by inserting after the word "railroad", in the third, fourth and sixteenth lines, the words : — or street railway, — so as to read as follows : — *Section 16.* Upon the application of the mayor and aldermen of a city or the selectmen of a town within which a part of any railroad or street railway is located, alleging grounds of complaint, the board shall examine the condition and operation of such railroad or street railway ; and if, upon the petition in writing of twenty or more legal voters in such city or town to the mayor and aldermen or selectmen to make such application, they refuse so to do, they shall indorse upon the petition the reason of such refusal and return it to the petitioners, who may, within ten days thereafter, present it to the board and it may thereupon make such examination as if called upon by the mayor and aldermen or the selectmen, first giving to the petitioners and to the corporation reasonable notice in writing of the time and place of making such examination. If, upon such examination, it appears to the board that the complaint is well founded, it shall so adjudge, and shall in writing inform the corporation which operates such railroad or street railway of its adjudication.

R. L. 111, § 16, amended.

Railroad commissioners to examine condition, etc., of railroads or street railways upon application, etc.

SECTION 3. This act shall take effect upon its passage.
Approved May 20, 1904.

AN ACT TO PROVIDE FOR IMPROVING THE ENTRANCE TO THE
HARBOR OF COTUIT IN THE TOWN OF BARNSTABLE.

Chap. 358

Be it enacted, etc., as follows :

SECTION 1. The board of harbor and land commissioners is hereby directed, if in its opinion after a preliminary

Harbor and land commissioners may

Improve
entrance to
Cotuit harbor,
Barnstable.

examination it is expedient so to do, to deepen and improve the entrance channel from Nantucket Sound into the harbor of Cotuit in the town of Barnstable by removing rocks and excavating a channel, or in such other manner as it may deem best, and for this purpose may expend a sum not exceeding five thousand dollars.

May take
necessary land,
materials, etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for the improvement of the said channel; and the manner of such taking and of determining the damages caused thereby or by any other doings of said board under the provisions of this act shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the persons entitled thereto or their legal representatives.

Damages.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1904.

Chap. 359 AN ACT RELATIVE TO THE EXPENSE OF REBUILDING THE BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

1896, 488, § 2,
etc., amended.

SECTION 1. Section two of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-six, as amended by section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and one, and by section one of chapter three hundred and sixty-five of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "dollars", in the twelfth line, the words: — to be paid either in a single payment or, at the election of said company, in such annual payments and with such provisions as to interest on deferred payments as may be agreed upon between said company and the county commissioners, — and by striking out the words "the said amount", in the fourteenth line, and inserting in place thereof the words: — any of such payments, — and by inserting after the word

“Essex”, in the forty-fourth line, the words : — either in a single payment, or, at the election of the said city or any of the said towns, in such annual payments and with such provisions as to interest on deferred payments as may be agreed upon by the said city or by any of the said towns and the county commissioners. In case the said city and towns pay the sum so assessed in a single payment, they are hereby authorized to issue bonds outside of their debt limit for the required amount. In case the payment is made in annual instalments the said instalments may be raised by taxation in excess of the limits imposed by general law upon the amounts which cities and towns may annually raise by taxation, — so as to read as follows : —

Section 2. The expense incurred under this act shall be paid in the first instance from the treasury of the county of Essex. The Commonwealth shall pay into the treasury of the county of Essex towards the expense of rebuilding the bridge and the approaches thereto provided for in this act, the sum of twenty-five thousand dollars. The Haverhill and Amesbury Street Railway Company shall pay into the treasury of said county as their proportion of the expense of such bridge and the approaches thereto a sum equal to ten per cent of said expense, but not exceeding however the sum of twenty thousand dollars, to be paid either in a single payment or, at the election of said company, in such annual payments and with such provisions as to interest on deferred payments as may be agreed upon between said company and the county commissioners : and *provided*, that said Haverhill and Amesbury Street Railway Company shall pay into the treasury of said county any of such payments, and shall enter into an agreement with the county commissioners of said county to keep that part of the roadway upon said bridge between the tracks of the company and eighteen inches outside thereof in repair and safe for public travel, subject to such conditions as said commissioners shall impose, said company shall thereupon have and is hereby granted a location upon said bridge for the construction and maintenance of its tracks, poles and wires, and for the operation of its railway thereon, and the location herein granted shall not be revoked except by the county commissioners of the county of Essex, after public notice and a hearing, but no such revocation shall be valid until approved by the board of railroad commissioners. No location for the tracks, poles and wires of any

Payment of expense of rebuilding bridge over Merrimac river between Newburyport and Salisbury.

Proviso.

Location granted to certain street railway company, etc.

Portion of
expense to be
assessed upon
the city of
Newburyport
and certain
towns, etc.

other street railway company upon said bridge shall be granted except by said county commissioners after public notice and a hearing, and no such location so granted shall be valid until approved by the board of railroad commissioners, nor shall any such location so granted before the first day of July, nineteen hundred and eighteen, be valid unless with the consent of the Haverhill and Amesbury Street Railway Company. Twenty-five per cent of the balance of said expense shall, after due notice and a hearing, be assessed by said commissioners upon the city of Newburyport and upon such towns as in their judgment derive a special benefit from said rebuilding and the approaches thereto, and in such proportion as said commissioners deem proper, and said city and towns shall pay the sum so assessed into the treasury of the county of Essex, either in a single payment, or, at the election of the said city or any of the said towns, in such annual payments and with such provisions as to interest on deferred payments as may be agreed upon by the said city or by any of the said towns and the county commissioners. In case the said city and towns pay the sum so assessed in a single payment, they are hereby authorized to issue bonds outside of their debt limit for the required amount. In case the payment is made in annual instalments the said instalments may be raised by taxation in excess of the limits imposed by general law upon the amounts which cities and towns may annually raise by taxation. The total expense incurred under the provisions of this act shall not exceed the sum of three hundred and twenty-five thousand dollars.

Total expense
not to exceed
certain
amount.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1904.

Chap. 360 AN ACT TO FACILITATE THE SETTLEMENT OF THE ESTATES OF
DECEASED NON-RESIDENTS.

Be it enacted, etc., as follows:

R. L. 143, § 2,
amended.

Section two of chapter one hundred and forty-three of the Revised Laws is hereby amended by adding at the end thereof the words:— But nothing herein contained shall be construed to prevent the distribution or transmission of part of the personal property of an estate in process of settlement when it can be done without detriment to the estate or prejudice to the creditors, — so as to read as fol-

lows :— *Section 2.* After the payment of all debts for which such estate is liable in this Commonwealth, the residue of the personal property may be distributed and disposed of, as provided in the preceding section, by the probate court; or, in the discretion of the court, it may be transmitted to the executor or administrator, if any, in the state or country of which the deceased was an inhabitant, to be there disposed of according to the laws thereof. But nothing herein contained shall be construed to prevent the distribution or transmission of part of the personal property of an estate in process of settlement when it can be done without detriment to the estate or prejudice to the creditors.

Settlement of estates of deceased non-residents.

Approved May 20, 1904.

AN ACT TO AUTHORIZE ANNUAL ALLOWANCES TO COMMISSIONED OFFICERS OF THE MILITIA.

Chap.361

Be it enacted, etc., as follows :

SECTION 1. There shall annually be allowed and paid out of the treasury of the Commonwealth, under the direction of the adjutant general, to each commissioned officer of the militia the sum of thirty-five dollars for the purchase of uniforms; but this act shall not apply to the members of the governor's staff.

Annual allowances to be made to commissioned officers of the militia.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1904.

AN ACT RELATIVE TO THE CUSTODY AND TO THE APPORTIONMENT OF THE COST OF THE BRIDGE OVER WEYMOUTH FORE RIVER BETWEEN THE CITY OF QUINCY AND THE TOWN OF WEYMOUTH.

Chap.362

Be it enacted, etc., as follows :

SECTION 1. The commissioners appointed under section three of chapter four hundred and fifty-six of the acts of the year nineteen hundred shall, at the time of hearing the parties to determine those specially benefited by the construction of the new bridge over the Weymouth Fore river, so-called, connecting that part of the city of Quincy known as Quincy Point with the town of Weymouth, in like manner determine and decree what officers shall have the care and superintendence of the abutments, bridge, piers and draws, and shall perform the duties heretofore performed by the trustees of the Quincy, Weymouth and Hingham bridges : *provided, however,* that until the ac-

Custody of bridge, etc., over Weymouth Fore river.

Proviso.

ceptance of the report of said commissioners as provided in said chapter, the trustees aforesaid shall continue to perform the duties imposed upon them by existing law or by decree of court, and by the report of the commissioners appointed under said chapter four hundred and fifty-six.

Apportionment of expense of care, etc.

SECTION 2. Said commissioners appointed under section three of said chapter four hundred and fifty-six shall also ascertain and assess the full cost and expense of caring for said bridge from the time when the same was turned over to the trustees of the Quincy, Weymouth and Hingham bridges by the county commissioners to the date of the award of said commissioners appointed under section three of said chapter four hundred and fifty-six, and the amount so found shall be assessed upon the county of Norfolk and such cities, towns and quasi-public corporations as they shall determine to have been specially benefited by said bridge, and in such amounts as they shall determine to be fairly proportionate to the special benefits conferred by said bridge upon the county of Norfolk and the cities, towns and corporations so assessed, and said county of Norfolk and such cities, towns and corporations shall pay over to said trustees the amounts so found to be due from each of them, and the trustees shall pay back to the city of Quincy and to the towns of Weymouth and Hingham the amounts advanced by them for the care and maintenance of the bridge during the said period.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1904.

Chap. 363 AN ACT RELATIVE TO THE RELIGIOUS INSTRUCTION OF PRISONERS
AND OF CHILDREN BOUND OUT IN FAMILIES.

Be it enacted, etc., as follows:

R. L. 225, § 72,
amended.

SECTION 1. Section seventy-two of chapter two hundred and twenty-five of the Revised Laws is hereby amended by inserting after the word "confined", in the fifth line, the words: — and he shall not be required to attend any other service or religious instruction other than that of his own religious belief: *provided*, that religious services and instructions of his own belief are regularly held at the institution, — and by inserting before the word "in", in the thirteenth line, the words: — who do not attend a regularly held religious service of their own belief, — so as to read as follows: — *Section 72.* An inmate of

any prison or other place of confinement or public charitable or reformatory institution shall not be denied the free exercise of his religious belief and the liberty of worshipping God according to the dictates of his conscience, in the place where he is confined ; and he shall not be required to attend any other service or religious instruction other than that of his own religious belief: *provided*, that religious services and instructions of his own belief are regularly held at the institution ; and he may, in illness, upon request to the warden, keeper or master, receive the visits of any clergyman whom he may wish. The officers and boards of officers who have the management and direction of such institutions shall make such regulations as may be necessary to carry out the intent and provisions of this section. The provisions of this section shall not be so construed as to impair the discipline of any such institution, so far as may be needful for the good government and safe custody of its inmates, nor prevent the assembling of all the inmates, who do not attend a regularly held religious service of their own belief, in the chapel thereof for such general religious instruction, including the reading of the Bible, as the board having charge of the institution considers expedient.

Religious
worship in
prisons, etc.

Proviso.

SECTION 2. Section thirty-six of chapter eighty-six of the Revised Laws is hereby amended by adding at the end thereof the words : — and the trustees shall bind out children in families or homes of the religious belief of such children, but, if this be impracticable, then due regard shall be had to the locality, and, if practicable, the home shall be such that the children shall have the opportunity to attend religious worship of their own belief, — so as to read as follows : — *Section 36.* The trustees of the Lyman and industrial schools may release on probation, and, with or without indenture, may, subject to the provisions of section fifty-two, place children in their custody in their usual homes or in any situation or family which has been investigated and approved by said trustees. They may employ agents for investigating places and for visiting children, and immediately on placing such children shall give notice to the state board of charity of the name of each child so placed and of the name and residence of the person to whose care he is entrusted. They may, at any time until the expiration of the period of commitment, resume the care and custody of children who are released on probation and recall them to the school to which they were

R. L. 86, § 36,
amended.

Certain chil-
dren may be
released on
probation, etc.

Religious
instruction.

originally committed; and the trustees shall bind out children in families or homes of the religious belief of such children, but, if this be impracticable, then due regard shall be had to the locality, and, if practicable, the home shall be such that the children shall have the opportunity to attend religious worship of their own belief.

Approved May 23, 1904.

Chap. 364

AN ACT TO REQUIRE TOWN CLERKS TO NOTIFY THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME OF THE ACCEPTANCE OF CERTAIN PROVISIONS OF LAW RELATIVE TO THE TAKING OF PICKEREL.

Be it enacted, etc., as follows:

Town clerks to notify commissioners on fisheries and game of acceptance of certain provisions of law relative to the taking of pickerel.

It shall be the duty of the town clerk of any town which has accepted, or which shall hereafter accept, the provisions of section sixty-eight of chapter ninety-one of the Revised Laws, which restricts the taking of pickerel to the use of a hook and hand line, to send notice of such acceptance to the commissioners on fisheries and game. Such notice shall be sent within thirty days after any future acceptance of the said provisions by any town, and within sixty days after the passage of this act in the case of every town which has heretofore accepted said provisions. A town clerk who violates the provisions of this act shall be subject to a fine of ten dollars.

Approved May 23, 1904.

Penalty.

Chap. 365

AN ACT RELATIVE TO THE BUILDING OF FISHWAYS BY THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

R. L. 91, § 9,
amended.

Section nine of chapter ninety-one of the Revised Laws is hereby amended by inserting after the word "maintained", in the second line, the words: — or where in their judgment fishways are needed, and they, — by inserting after the word "rivers", in the fourth line, the words: — or whether in their judgment a fishway is needed for the passage of fish over any dam, — and by inserting after the word "therein", in the sixth line, the words: — and where, how and when a new fishway must be built, — so as to read as follows: — *Section 9.* The commissioners may examine all dams upon rivers where the law requires fishways to be maintained, or where in their judgment fishways are needed, and they shall determine whether the

Commissioners on fisheries and game may examine dams and fishways, prescribe changes, etc.

fishways, if any, are suitable and sufficient for the passage of the fish in such rivers, or whether in their judgment a fishway is needed for the passage of fish over any dam; and shall prescribe by an order in writing what changes or repairs, if any, shall be made therein, and where, how and when a new fishway must be built, and at what times the same shall be kept open, and shall give notice to the owners of the dams accordingly. The supreme judicial court, or the superior court, shall, upon the petition of the commissioners, have jurisdiction in equity or otherwise to enforce any order made in accordance with the provisions of this section, and to restrain any violation of such order.

Enforcement
of orders, etc.

Approved May 23, 1904.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF GAME IN
THE COUNTY OF BRISTOL.

Chap. 366

Be it enacted, etc., as follows:

SECTION 1. Whoever in the county of Bristol hunts, takes or kills a gray squirrel between the fifteenth day of December and the first day of November following, or a rabbit or hare between the first day of March and the first day of November of any year, shall be punished by a fine of ten dollars.

Taking, etc.,
of gray
squirrels, etc.,
in Bristol
county
restricted.

SECTION 2. Whoever in the county of Bristol hunts, takes, kills or has in possession, or buys, sells or offers for sale a quail, woodcock, or ruffed grouse, commonly called partridge, between the fifteenth day of December and the first day of November following, whenever or wherever such bird may have been taken or killed, shall be punished by a fine of twenty dollars for each bird.

Taking, etc.,
of quail, etc.,
in Bristol
county
restricted.

SECTION 3. This act shall not be construed as modifying the provisions of section three of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-five of the acts of the year nineteen hundred and two, relative to the sale of quail, nor as modifying the provisions of section nine of chapter ninety-two of the Revised Laws, relative to the sale of rabbits.

Certain pro-
visions of law
not affected.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved May 23, 1904.

Chap. 367 AN ACT RELATIVE TO THE RIGHT OF SEARCH BY THE COMMISSIONERS ON FISHERIES AND GAME AND THEIR DEPUTIES.

Be it enacted, etc., as follows :

Search may be made for fish or game unlawfully taken, etc.

SECTION 1. Any commissioner on fisheries and game, deputy commissioner on fisheries and game, member of the district police, or officer qualified to serve criminal process, may, with a warrant, search any boat, car, box, locker, crate or package, and any building, where he has reason to believe any game or fish taken or held in violation of law is to be found, and may seize any game or fish so taken or held, and any game or fish so taken or held shall be forfeited: *provided, however*, that this section shall not authorize entering a dwelling house, or apply to game or fish which is passing through this Commonwealth under authority of the laws of the United States.

Proviso.

Search warrants, issue, etc.

SECTION 2. A court or justice authorized to issue warrants in criminal cases shall, upon complaint under oath that the complainant believes that any game or fish unlawfully taken or held is concealed in a particular place, other than a dwelling house, if satisfied that there is reasonable cause for such belief, issue a warrant to search therefor. The search warrant shall designate and describe the place to be searched and the articles for which search is to be made, and shall be directed to any officer named in section one of this act, commanding him to search the place where the game or fish for which he is required to search is believed to be concealed, and to seize such game or fish.

SECTION 3. This act shall take effect upon its passage.

Approved May 23, 1904.

Chap. 368 AN ACT RELATIVE TO THE FLOOR SPACE PERMISSIBLE IN CERTAIN BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

1892, 419, § 23, etc., amended.

SECTION 1. Section twenty-three of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, as amended by chapter three hundred and eight of the acts of the year eighteen hundred and ninety-eight, is hereby further amended by adding at the end thereof the following words:—except that when any such building has a frontage of not less than fifty feet on

each of two streets, such space may amount to but shall not exceed twenty thousand square feet in area : *provided*, that buildings in which such extension of area beyond ten thousand square feet is permitted shall have, in a manner to meet the approval of a board consisting of the fire commissioner, the building commissioner and a representative of the fire insurance interests of Boston, who shall annually be appointed by the mayor, properly installed systems of automatic sprinklers, all vertical openings through floors protected by fireproof enclosures, and satisfactory means of ingress and egress. In buildings thus protected there may be communicating openings through such partition walls to the number of one for each fifty linear feet of wall on each floor, each opening not to exceed eight feet in width and ten feet in height, with brick curtain wall above of at least three feet; all such openings to be protected by double-standard fire doors, — so as to read as follows : — *Section 23.* A first class building shall consist of non-inflammable material throughout, with floors constructed of iron or steel beams filled in between with terra cotta, or other masonry arches, except that wood may be used for under and upper floors, window and door frames, sashes, doors, standing finish, hand rails for stairs, necessary sleepers bedded in concrete, and for isolated furring blocks bedded in the plaster. There shall be no air space between the top of any floor arches and the floor boarding, and no air space behind any wood-work. And all such buildings hereafter erected which are used above the first floor as warehouses or stores for the storage or sale of merchandise shall not exceed one hundred feet in height, and shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls, and carried thirty inches above the roof, that no space inside any such building shall exceed in area ten thousand square feet, except that when any such building has a frontage of not less than fifty feet on each of two streets, such space may amount to but shall not exceed twenty thousand square feet in area : *provided*, that buildings in which such extension of area beyond ten thousand square feet is permitted shall have, in a manner to meet the approval of a board consisting of the fire commissioner, the building commissioner and a representative of the fire insurance interests of Boston, who shall annually be appointed by the mayor, properly installed systems of

1892, 419, § 23,
etc., amended.

Construction,
etc., of first
class buildings
in the city of
Boston.

Proviso.

automatic sprinklers, all vertical openings through floors protected by fireproof enclosures, and satisfactory means of ingress and egress. In buildings thus protected there may be communicating openings through such partition walls to the number of one for each fifty linear feet of wall on each floor, each opening not to exceed eight feet in width and ten feet in height, with brick curtain wall above of at least three feet; all such openings to be protected by double-standard fire doors.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 23, 1904.

Chap.369 AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF SHORE, MARSH AND BEACH BIRDS.

Be it enacted, etc., as follows:

R. L. 92, § 6,
amended.

Penalty for
buying or
selling certain
birds during
close season,
etc.

Chapter ninety-two of the Revised Laws is hereby amended by striking out section six and inserting in place thereof the following: — *Section 6.* Whoever buys, sells, exposes for sale, or has in possession any of the birds named in and protected by section five or section seven of this chapter, during the time within which the taking or killing thereof is prohibited, whenever or wherever such birds may have been taken or killed, shall be punished by a fine of ten dollars for each bird; but a person, firm or corporation dealing in game or engaged in the cold storage business may have in possession, for storage purposes only, the so-called shore, marsh and beach birds during the time within which the taking or killing of them is prohibited.

Approved May 23, 1904.

Chap.370 AN ACT TO AUTHORIZE THE FIRE MARSHAL'S DEPARTMENT OF THE DISTRICT POLICE TO MAKE REGULATIONS RELATIVE TO EXPLOSIVES AND INFLAMMABLE FLUIDS.

Be it enacted, etc., as follows:

Powers to regulate the keeping, etc., of explosives, etc., to be exercised by the district police.

SECTION 1. The powers conferred on city councils of cities and selectmen of towns by chapter one hundred and two of the Revised Laws, to regulate the keeping, storage, use, manufacture or sale of gunpowder, dynamite or other explosives and inflammable fluids, shall hereafter be exercised by the fire marshal's department of the district police.

SECTION 2. The fire marshal's department of the district police may make regulations for the keeping, storage, use, manufacture or sale of gunpowder, dynamite or other explosives, crude petroleum or any of its products, or other inflammable fluids; and may prescribe the materials and construction of buildings to be used for any of the said purposes.

May make regulations, etc.

SECTION 3. No building shall be erected or used in any city or town for the keeping, storage, manufacture or sale of any of the articles named in section two unless the mayor and aldermen or selectmen have granted a license therefor after a public hearing, fourteen days public notice of which shall be given at the expense of the applicant, and unless a permit shall be granted therefor by the fire marshal's department: *provided, however*, that any building lawfully used for any of said purposes at the time of the passage of this act may be continued in such use without a license or permit, but subject however to such alterations in construction and such regulations of such use for protection against fire or explosion as the fire marshal's department may from time to time prescribe.

No building to be used for storage, etc., of explosives, etc., without a license and permit.

Proviso.

SECTION 4. Whoever keeps, stores, manufactures or sells any of the articles named in section two, in violation of this act or of the regulations made hereunder, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or by both such fine and imprisonment.

Penalty.

SECTION 5. So much of chapter one hundred and two of the Revised Laws as is inconsistent herewith is hereby repealed.

Repeal.

Approved May 23, 1904.

AN ACT TO PROVIDE FOR THE CONSTRUCTION IN CITIES OF ARMORIES FOR THE MILITIA.

Chap. 371

Be it enacted, etc., as follows:

SECTION 1. If the city council of any city shall vote to have an armory constructed therein and shall designate the amount of the loan necessary for acquiring land and for erecting an armory, the armory commissioners of the Commonwealth shall thereupon acquire, by purchase or otherwise, a suitable lot of land in that city, and shall erect thereon a suitable building for an armory sufficient for one or more companies of infantry and for such other detachments of the militia and for such of the militia head-

Construction in cities of armories for the militia.

Certain provisions of law to apply.

quarters situated in that city as they may deem necessary, and containing the necessary rooms for drilling and for the care of state property. The provisions of sections one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten and one hundred and eleven of chapter sixteen of the Revised Laws shall apply to all proceedings hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1904.

Chap.372

AN ACT TO ESTABLISH THE DISTRICT COURT OF WINCHENDON.

Be it enacted, etc., as follows :

District Court of Winchendon.

SECTION 1. The town of Winchendon shall constitute a judicial district, under the jurisdiction of a court, to be called the District Court of Winchendon.

Justices, etc.

SECTION 2. There shall be one justice and two special justices of the court. The justice shall receive an annual salary of nine hundred dollars, to be paid by the county of Worcester. All the provisions of law applicable to district courts shall apply to said court.

Sittings of court.

SECTION 3. Sittings of the said court for criminal business shall be held at Winchendon daily, except on Sundays and on legal holidays. Sittings of the court for civil business shall be held at Winchendon as required by law, and on such other days as may be fixed by rule of court.

First session.

SECTION 4. The first session of the court shall be held on the first day of July in the year nineteen hundred and four ; but nothing in this act shall affect any suit or other proceeding begun prior to said first day of July.

When to take effect.

SECTION 5. So much of this act as relates to the appointing and qualifying of the justices of the court shall take effect upon its passage, and the remainder of this act shall take effect on the first day of July in the year nineteen hundred and four.

Approved May 23, 1904.

Chap.373

AN ACT RELATIVE TO LIENS FOR LABOR AND MATERIAL FURNISHED IN THE CONSTRUCTION OF STREET RAILWAYS.

Be it enacted, etc., as follows :

R. L. 112, amended.

Section 101. Right of action to recover for labor or materials furnished

Chapter one hundred and twelve of the Revised Laws is hereby amended by inserting after section one hundred the following five sections : — *Section 101.* A person to whom a debt is due for labor performed or for materials furnished and actually used in constructing a street rail-

way under a contract with a person, other than the owner of the street railway, who has authority from or is right-fully acting for such owner in furnishing such labor or materials shall have a right of action against such owner to recover such debt with costs, except as provided in the following four sections. *Section 102.* No person who has contracted to construct the whole or a specified part of such street railway shall have such right of action. *Section 103.* No person shall have such right of action for labor performed, unless, within thirty days after ceasing to perform it, he files in the office of the clerk of a city or town in which any of said labor was performed a written statement, under oath, of the amount of the debt so due him and of the name of the person or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is specified in said statement as due him, with interest thereon. *Section 104.* No person shall have such right of action for materials furnished, unless, before beginning to furnish them, he files in the office of the clerk of the city or town in which any of the materials were furnished, in the manner provided for filing the statement mentioned in the preceding section, a written notice of his intention to claim such right. *Section 105.* No such action shall be maintained unless it is begun within sixty days after the plaintiff ceased to perform such labor or to furnish such materials.

in the construction of street railways.

Section 102. Certain persons not entitled to right of action.

Section 103. In case of labor performed statement to be filed within thirty days, etc.

Section 104. Notice to be filed before beginning to furnish materials.

Section 105. Action to be begun within sixty days, etc.

Approved May 23, 1904.

AN ACT RELATIVE TO THE INCORPORATION AND TO THE RESERVE FUNDS OF TRUST COMPANIES.

Chap. 374

Be it enacted, etc., as follows:

SECTION 1. Fifteen or more persons who associate themselves by an agreement in writing for the purpose of forming a trust company may, upon compliance with the provisions of this act, become a corporation, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

Trust companies, incorporation, etc.

SECTION 2. Said agreement shall set forth that the subscribers thereto associate themselves with the intention of forming a corporation, and shall specifically state:—

Agreement of association.

First, The name by which the corporation shall be known.

Second, The purpose for which it is formed.

Third, The city or town, which shall be within this Commonwealth, where its business is to be transacted.

Fourth, The amount of its capital stock, and the number of shares into which the same is to be divided.

Each associate to subscribe to articles, etc.

Each associate shall subscribe to the articles his name, residence, post office address and the number of shares of stock which he agrees to take.

Notice of intention to form a trust company to be given, etc.

SECTION 3. A notice of the intention of the subscribers to form such a trust company shall be given to the board of commissioners of savings banks. A notice in such form as said board shall approve shall be published at least once a week, for three successive weeks, in one or more newspapers designated by said board, and published in the city or town in which it is proposed to establish the company. Such notice shall specify the names of the proposed incorporators, the name of the corporation and the location of the same, as set forth in the above mentioned agreement of association. Within thirty days after the first publication of said notice the subscribers to said agreement shall apply to said board for a certificate that public convenience and advantage will be promoted by the establishment of such trust company. If the board refuses to issue such certificate, no further proceedings shall be had, but the application may be renewed after one year from the date of such refusal, without further notice or publication unless the board shall order the same.

Subscribers to agreement to apply for a certificate, etc.

First meeting, calling, etc.

SECTION 4. The first meeting of the subscribers to the agreement of association shall be called by a notice signed either by that subscriber to the agreement who is designated therein for the purpose, or by a majority of the subscribers; and such notice shall state the time, place and purposes of the meeting. A copy of the notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof and an affidavit of one of the signers that the notice has been duly served shall be recorded with the records of the corporation. If all the incorporators shall in writing, endorsed upon the agree-

Notice may be waived, etc.

ment of association, waive such notice and fix the time and place of the meeting, no notice shall be required. The subscribers to the agreement of association shall hold the franchise until the organization has been completed. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the choice by ballot of a temporary clerk, by the adoption of by-laws and by the election in such manner as the by-laws may determine, of directors, a president, a clerk, and such other officers as the by-laws may prescribe. All the officers so elected shall be sworn to the faithful performance of their duties. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

Organization.

Officers to be sworn.

Temporary clerk, duties.

SECTION 5. The president, and a majority of the directors who are elected at such first meeting, shall make, sign and make oath to, in duplicate, articles setting forth : —

Articles setting forth certain details to be made in duplicate, etc.

(a). A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the company ;

(b). The date of the first meeting and the successive adjournments thereof, if any.

One of such certificates shall be submitted to the board of commissioners of savings banks, and the other, together with the records of the proposed corporation, to the commissioner of corporations, who shall examine the same, and who may require such amendment thereof or such additional information as he may consider necessary. If he finds that the articles conform to the provisions of the preceding sections relative to the organization of the corporation and that the provisions of section three have been complied with, he shall so certify and endorse his approval thereon. Thereupon the articles shall be filed in the office of the secretary of the Commonwealth, who, upon payment of a fee equal to one fortieth of one per cent of the capital stock of said corporation as set forth in said articles, shall cause the same, with the endorsement thereon, to be recorded, and shall thereupon issue a certificate of incorporation in the following form : —

Certificates to be submitted to commissioners of savings banks and commissioner of corporations, etc.

Articles to be filed with secretary of the Commonwealth, etc.

COMMONWEALTH OF MASSACHUSETTS.

Certificate of
incorporation.

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association), with a capital stock of (the amount fixed in the agreement of association), and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the commissioner of corporations and recorded in this office: now, therefore, I (the name of the secretary), secretary of the Commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the great seal of the Commonwealth of Massachusetts hereunto affixed, this day of in the year (the date of the filing of the articles of organization).

Certificate of
incorporation
to have force
and effect of
special charter,
etc.

The secretary shall sign the certificate of incorporation and cause the great seal of the Commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The existence of every corporation which is not created by special law shall begin upon the filing of the articles of organization in the office of the secretary of the Commonwealth. The secretary of the Commonwealth shall also cause a record of the certificate of incorporation to be made, and such certificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

Capital stock.

SECTION 6. Such corporation shall not issue any shares of stock until the par value of such shares shall have been actually paid in in cash. When the whole capital stock has been issued, a complete list of the stockholders, with the name, residence and post office address of each, and the number of shares held by each, shall be filed with the

board of commissioners of savings banks, which list shall be verified by the two principal officers of the corporation. Upon receipt of such statement said board shall cause an examination to be made, and if, after such examination, it appears that the whole capital stock has been paid in in cash, and that all requirements of law have been complied with, said board shall issue a certificate authorizing such corporation to begin the transaction of business. It shall be unlawful for any such corporation to begin the transaction of business until such a certificate has been granted.

Not to trans-act business until certificate is issued by commissioners of savings banks.

SECTION 7. Every trust company doing business within the Commonwealth shall at all times have on hand as a reserve an amount equal to at least fifteen per cent of the aggregate amount of its deposits, which are subject to withdrawal upon demand or within ten days. Not less than one third of such reserve shall consist of lawful money of the United States, and not less than one half of the remainder of such reserve may consist of balances, payable on demand, due from any national banking association doing business in this Commonwealth or in the city of New York, and the balance of said remainder may consist of bonds of the United States or of this Commonwealth, computed at their par value, which are the absolute property of such corporation.

To have on hand a certain amount as a reserve, etc.

If such reserve is at any time less than the amount aforesaid, the trust company shall not make any new loans until the required proportion between the aggregate amount of its deposits and reserves shall be restored. The board of commissioners of savings banks may notify any trust company whose reserve shall be below the amount required to be kept on hand, to make good such reserve, and if such trust company shall fail for sixty days thereafter so to make good such reserve, the commissioners may apply to a justice of the supreme judicial court to appoint one or more receivers to take possession of the property and effects of said trust company and to close up its business, subject to such directions as may from time to time be prescribed by the court or by a justice thereof.

Not to make new loans if reserve is less than certain amount. Receivers may be appointed in certain cases.

SECTION 8. This act shall take effect upon its passage, except that the provisions of section seven shall take effect as to existing trust companies on the first day of September in the year nineteen hundred and four. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect, etc.

Approved May 25, 1904.

Chap. 375 AN ACT RELATIVE TO THE FILING AND INSPECTION OF STATEMENTS OF ELECTION EXPENSES.

Be it enacted, etc., as follows:

R. L. 11, § 297,
amended.

Statements of
election
expenses,
filing, etc.

SECTION 1. Chapter eleven of the Revised Laws is hereby amended by striking out section two hundred and ninety-seven and inserting in place thereof the following: — *Section 297.* The statement required to be filed by a candidate, treasurer or other person shall be filed with the clerk of the city or town in which such candidate, treasurer or other person is a voter. In case the nomination to which such statement relates is a nomination to a state or national office, or the election is a state or national election, a duplicate shall be filed with the secretary of the Commonwealth. Whoever makes a statement required by the provisions of this chapter shall make oath that it is in all respects correct and true to the best of his knowledge and belief.

R. L. 11, § 298,
amended.

Statements to
be inspected,
etc.

SECTION 2. Said chapter is hereby further amended by striking out section two hundred and ninety-eight and inserting in place thereof the following: — *Section 298.* The secretary of the Commonwealth shall inspect all statements filed with him, and the clerks of cities shall inspect all statements relating to nominations and to city elections filed with them, within sixty days after the election to which they relate, and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to the secretary that any such statement, filed with him does not conform to law, or if it appears to a city clerk that such statement relating to a city nomination or election does not conform to law, or upon complaint in writing by five registered voters that a statement does not conform to law, or that any person has failed to file a statement required by law, the secretary or city clerk shall in writing notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the secretary or with the proper city clerk within ninety days after the election in question, or within sixty days after the filing of a statement or amended statement.

Complaint,
filing, etc.

R. L. 11, § 299,
amended.

SECTION 3. Said chapter is hereby further amended by striking out section two hundred and ninety-nine and inserting in place thereof the following: — *Section 299.*

Upon the failure to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this chapter relating to corrupt practices in elections, the secretary of the Commonwealth or the city clerk, as the case may be, shall notify the attorney-general thereof and shall furnish him with copies of all papers relating thereto, and the attorney-general, within two months thereafter, shall examine every such case, and if he is satisfied that there is cause, he shall in the name of the Commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

Attorney-general to institute proceedings in certain cases, etc.

SECTION 4. Section three hundred of said chapter is hereby repealed.

R. L. 11, § 300, repealed.

SECTION 5. The first sentence of section three hundred and one of said chapter is hereby amended by inserting after the word "the", in the sixth line, the words:— attorney-general or, — so that said sentence will read as follows:— *Section 301.* The supreme judicial court or the superior court may compel any person who fails to file a statement as above required, or who files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, to file a sufficient statement, upon the application of the attorney-general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or alleged to have been made.

R. L. 11, § 301, amended.

Courts to enforce filing of statements.

SECTION 6. Said chapter is hereby further amended by striking out section three hundred and five and inserting in place thereof the following:— *Section 305.* The secretary of the Commonwealth shall at the expense of the Commonwealth furnish to the city and town clerks, and in Boston to the board of election commissioners, blanks in form approved by the secretary and by the attorney-general, suitable for the statements required by law. On the receipt of a list of candidates for public office before a caucus or primary, or upon the filing of a nomination before a municipal election, the board of election commissioners in Boston, and the clerk of any other city or the town clerk shall transmit to the candidate or candidates put in nomination, and to the treasurers of political committees, the blanks above described. Upon the filing of

R. L. 11, § 305, amended.

Secretary of the Commonwealth to furnish blanks for statements.

Blanks to be transmitted to candidates and treasurers of political committees, etc.

a nomination before a state or national election the secretary of the Commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurers of the political committees, the blanks above described. To any person required to file a statement such blanks shall be furnished upon application therefor.

R. L. 11, § 420,
amended.

Penalty for
violation
of provisions
relating to
corrupt
practices in
elections.

SECTION 7. Said chapter is hereby further amended by striking out section four hundred and twenty and inserting in place thereof the following: — *Section 420.* Whoever violates any provision of law relating to corrupt practices in elections the punishment for which is not specially determined by law, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Approved May 25, 1904.

Chap. 376 AN ACT RELATIVE TO THE SCHOOLHOUSE DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1901, 473, § 1,
amended.

SECTION 1. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and one is hereby amended by striking out the words "The school committee shall appropriate money to pay the salaries of the members of the board and so much of the necessary expenses of said department as are not provided for by section four of this act", in lines nineteen to twenty-two, both inclusive, and inserting in place thereof the words: — The salaries and other necessary expenses of said department shall be apportioned and paid out of the proceeds of the bonds authorized by section four of this act, and out of such sums as shall be appropriated by said school committee for constructing and furnishing new school buildings, including the taking of land therefor and for school yards, and the preparing of school yards for use, and for repairs and alterations of school buildings, which apportionment shall be approved by the mayor, — so as to read as follows: — *Section 1.* The schoolhouse department of the city of Boston is hereby established and shall be under the charge of a board of three commissioners, citizens of Boston, appointed by the mayor of the city without confirmation. During the current year one of said commissioners shall be appointed for the term of three years, one for the term of two years and one for the term of one year, beginning with the first day of June of said

Schoolhouse
department of
city of Boston
established.

Commission-
ers, appoint-
ment, etc.

year; and on or before the expiration of any term a commissioner shall be appointed for a term of three years, beginning with the first day of June in the year in which such term expires. Any vacancy occurring in the number of the commissioners shall be filled by appointment of a commissioner in the manner aforesaid, for the remainder of the term. The members of the board shall be paid a salary; the chairman at the rate of four thousand dollars per annum, and each of the other members at the rate of thirty-five hundred dollars per annum. The salaries and other necessary expenses of said department shall be apportioned and paid out of the proceeds of the bonds authorized by section four of this act, and out of such sums as shall be appropriated by said school committee for constructing and furnishing new school buildings, including the taking of land therefor and for school yards, and the preparing of school yards for use, and for repairs and alterations of school buildings, which apportionment shall be approved by the mayor. The provisions of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five and of all other acts relating to the departments of the city of Boston or the officers or employees thereof, so far as they may be applicable and not inconsistent herewith, shall apply to said department and to the officers and employees thereof. The said board shall make an annual report in writing of its doings, and of all the business transacted by it, to the mayor of the city of Boston, and said report shall be printed as a public document of said city.

Vacancy,
salaries, etc.

Certain provisions of law
to apply.

Board to make
annual report,
etc.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take
effect.

Approved May 25, 1904.

AN ACT RELATIVE TO JOINT CAUCUSES OR PRIMARIES OF ALL
POLITICAL AND MUNICIPAL PARTIES.

Chap. 377

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, providing for joint caucuses or primaries of all political and municipal parties, may be adopted by any city at any state or city election. The question of the adoption of the act shall be put upon the official ballot upon the petition of a number of voters equal to the number required

Adoption by
cities of provisions of law
relative to
joint caucuses
or primaries.

for nominating by nomination papers a candidate for mayor, such petition to be filed with the city clerk on or before the last day of filing nomination papers.

Action may be
revoked.

SECTION 2. Any city that has adopted the provisions aforesaid may revoke its action in the manner provided in the preceding section, after said provisions have been in force for at least one state and one city primary.

Approved May 25, 1904.

Chap.378 AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING GURNET BRIDGE IN THE TOWN OF DUXBURY.

Be it enacted, etc., as follows:

Maintenance
and care of
Gurnet bridge
in Duxbury.

SECTION 1. The maintenance and care of the bridge known as Gurnet bridge in the town of Duxbury, which was built pursuant to the provisions of chapter three hundred and one of the acts of the year eighteen hundred and eighty-seven and of acts in amendment thereof and in addition thereto, shall hereafter be in the charge of and under the control of the county commissioners of the county of Plymouth; and the expense of maintaining the said bridge and keeping it in proper repair shall hereafter be paid by the said county. The county commissioners of said county shall annually hereafter assess the amount thus expended by the county in the following proportions: — One third upon the town of Duxbury, one third upon the county of Plymouth, and one third upon such cities and towns within the said county, other than the town of Duxbury, as the commissioners shall award and determine to be specially benefited by the bridge, and in such amounts as they shall award and determine to be fairly proportionate to such special benefits. The cities and towns so assessed shall, within such time and in such manner as the commissioners shall determine, pay into the treasury of the county of Plymouth the amounts assessed upon them as aforesaid.

Apportion-
ment of
expense.

Payment of
assessments.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1904.

Chap.379 AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO SELL OR LEASE CERTAIN ISLANDS.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners may
sell or lease
certain islands.

SECTION 1. The board of harbor and land commissioners may, under the authority and subject to the ap-

proval of the governor and council, sell and convey or lease any of the islands owned by the Commonwealth in the great ponds.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1904.

AN ACT RELATIVE TO THE EXPENSES OF CANDIDATES FOR PUBLIC OFFICE.

Chap. 380

Be it enacted, etc., as follows :

SECTION 1. Section two hundred and eighty-five of chapter eleven of the Revised Laws is hereby amended by striking out the second paragraph thereof.

R. L. 11, § 286, amended.

SECTION 2. Section two hundred and eighty-seven of said chapter is hereby amended by inserting after the word "own", in the second line, the words : — nomination or, — so as to read as follows : — *Section 287.* No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided.

R. L. 11, § 287, amended.

Payment of money by candidates regulated.

SECTION 3. Said chapter is hereby further amended by striking out section two hundred and eighty-eight and inserting in place thereof the following : — *Section 288.* Every candidate for nomination to a public office shall, within seven days after the last day of filing nominations for such office, and every candidate for election to a public office shall, within seven days after the election held to fill such office, file a statement in writing setting forth each sum of money and thing of value contributed or promised by him, except for his own personal expenses, for the purpose of securing or in any way affecting his nomination or election to such office, and the name of the political committee to which the contribution or promise was made, and the date thereof. The words "personal expenses", as used in this chapter, shall include only expenses directly incurred and paid by a person for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular, or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery and postage;

R. L. 11, § 288, amended.

Candidates to file statements.

The words "personal expenses" defined.

for telegraph, telephone and public messenger service; and for other similar personal purposes.

Approved May 25, 1904.

Chap. 381 AN ACT RELATIVE TO STATE AND MILITARY AID AND TO THE BURIAL OF INDIGENT SOLDIERS AND SAILORS.

Be it enacted, etc., as follows:

Commissioner of state aid and pensions, powers and duties.

SECTION 1. The commissioner of state aid and pensions, appointed under the provisions of chapter one hundred and ninety-two of the acts of the year nineteen hundred and two, shall perform the duties required of him under the laws relative to state and military aid. He shall investigate, so far as the interests of the Commonwealth may require, all payments for state and military aid under the provisions of this act. He shall be a state agent for the settlement of pensions, bounty and back pay claims of citizens of this Commonwealth against the government of the United States, shall be allowed his traveling expenses when it is necessary for him to visit the city of Washington, and may expend for such purposes and for all other expenses necessary to the proper performance of his duties such sums as the general court may appropriate. He shall furnish information, prepare papers and expedite the adjudication of claims, and assist claimants in proving their cases, and shall keep a record of the work done in his office and make an annual report thereof to the general court. The deputy commissioner appointed under the provisions of said chapter one hundred and ninety-two shall be subject to the direction and control of the commissioner. In case the commissioner is temporarily absent or unable from any cause to perform the duties of his office, the deputy shall perform the duties of the commissioner until such absence or disability ceases. Said commissioner shall receive an annual salary of twenty-five hundred dollars, and said deputy commissioner shall receive an annual salary of two thousand dollars, and each shall devote his whole time to the duties of his office. Said commissioner may appoint a chief clerk at a salary of fifteen hundred dollars a year; two agents each at a salary of thirteen hundred dollars a year; one agent at a salary of one thousand dollars a year; one special agent at a salary of six hundred dollars a year; one bookkeeper at a salary of thirteen hundred dollars a year; one clerk at a

Deputy commissioner, powers and duties.

Compensation of commissioner and deputy commissioner.

Clerks, agents, etc., appointment, compensation.

salary of twelve hundred dollars a year ; one clerk at a salary of one thousand dollars a year ; and two clerks each at a salary of not more than eight hundred and forty dollars a year.

SECTION 2. A city or town may raise money, and, under the direction of the mayor and aldermen or selectmen or, in Boston, subject to the order of the aldermen thereof as to the amounts to be paid to beneficiaries, but under the direction of the soldiers' relief commissioner, pay state or military aid to, or expend it for, any worthy person, subject to the following conditions.

Cities and towns may pay state and military aid.

STATE AID.

SECTION 3. A recipient of state aid shall have a residence, and shall actually reside, in the city or town from which such aid is received ; shall not receive aid from any other city or town in the Commonwealth nor from any other state ; shall be in such needy circumstances as to require public assistance, and shall belong to one of the following classes :—

Payment of state aid.

First Class, Invalid pensioners of the United States who served in the army or navy of the United States to the credit of this Commonwealth either in the civil war, between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, or in the war with Spain, which for the purposes of this chapter is defined as having begun on the fifteenth day of February in the year eighteen hundred and ninety-eight, and as having ended on the twelfth day of August in said year ; or who served in such army or navy in the military organizations of this Commonwealth known as three months' men, ninety days' men, or one hundred days' men, mustered into the service of the United States in April, May, June or July in the year eighteen hundred and sixty-one, or in April, May, July or August in the year eighteen hundred and sixty-four ; or who, having their residence and actually residing in this Commonwealth at the time of their enlistment, either served to the credit of any other state in such army or navy, between the nineteenth day of April in the year eighteen hundred and sixty-one and the eighteenth day of March in the year eighteen hundred and sixty-two, or served in such army or navy, having been mustered into

First class qualifications.

**First class
qualifications.**

the service of the United States, at some time between the first day of May and the first day of October in the year eighteen hundred and sixty-two, while having a residence and actually living in this Commonwealth and while a member of one of the organizations of the volunteer militia known as the Boston cadets, the Salem cadets, the eighth battery of light artillery or company B of the seventh regiment of infantry; or who served in such navy, being one of the persons included in the list of officers, sailors and marines, prepared by the adjutant general in accordance with chapter fifteen of the resolves of the year eighteen hundred and seventy-five and chapter eight of the resolves of the year eighteen hundred and eighty, having been appointed or mustered into and having served in such naval service of the United States while an actual resident of this Commonwealth; or who served in the regular army or navy of the United States either in the civil war or in the war with Spain, having been appointed or having enlisted in said army while a citizen of this Commonwealth, having a residence and actually residing therein; which pensioners have been honorably discharged from their said service in the army or navy and from all appointments and enlistments therein, and are so far disabled by such service as to prevent them from following their usual occupation.

**Second class
qualifications.**

Second Class, Dependent relatives of soldiers or sailors who have served in the manner and under the limitations described for the service of said invalid pensioners, and who, if they did not continue in the service of the United States awaiting discharge upon the official proclamation ending the war with Spain, or did not die in the service above defined for invalid pensioners, were honorably discharged therefrom, as follows: — The wives and widowed mothers of said invalid pensioners who served in the civil war, and the widows and widowed mothers of soldiers or sailors dying in such service or after their honorable discharge therefrom, and the widows, children and widowed mothers of soldiers or sailors who served in the war with Spain, dying in such service at any time previous to said official proclamation or dying after their honorable discharge therefrom of wounds or disease incurred in such service, or dying while in receipt of a pension of the United States and the state aid of this Commonwealth, and the wives, children and widowed mothers of said invalid pensioners who served in the war with Spain. Such chil-

dren shall not be more than fourteen years of age, and shall have been born prior to their father's discharge from such service and prior to the date of said proclamation.

Third Class, Dependent wives, widows and widowed mothers of soldiers or sailors who served in either of said wars in the manner required of said invalid pensioners, who appear on the rolls of their regiments or companies in the office of the adjutant general to be missing or to have been captured by the enemy, and who have not been exchanged or returned from captivity, and whom the city or town officers granting such aid have no good reason to believe to be alive, and the dependent children of such soldiers and sailors who would be entitled to receive aid in the second class if their fathers had been invalid pensioners because of service in the war with Spain.

Third class qualifications.

Fourth Class, Recipients of state aid as dependent fathers or mothers prior to the eleventh day of April in the year eighteen hundred and sixty-seven who were precluded from its receipt thereafter by the provisions of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven; also fathers or mothers, the fathers being living, of soldiers or sailors who served in the war with Spain, in the manner and under the limitations described for the service of said invalid pensioners and who died in such service, if such parents were receiving aid on the eighteenth day of May in the year eighteen hundred and ninety-nine. No aid shall be granted to persons in this class unless in each case the mayor and aldermen, selectmen or, in Boston, the soldiers' relief commissioner are satisfied, on evidence first reported to the commissioner of state aid and satisfactory to him, that justice and necessity require a continuance of the aid to prevent actual suffering.

Fourth class qualifications.

Fifth Class, Women who served not less than three months as nurses in the army hospitals of the United States between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, and who for three consecutive years next prior to the date of application for aid shall have been actually resident in this Commonwealth, and who shall not be in receipt of an annuity from this Commonwealth; if the municipal authorities are satisfied, on evidence first reported to and found satisfactory by the commissioner of state aid, that

Fifth class qualifications.

the service was actually rendered and that justice and necessity require the granting of aid. The amount of such aid and its duration shall be determined by the commissioner of state aid.

Restrictions as to wife or widow.

SECTION 4. A wife or widow of a discharged soldier or sailor shall not be held to belong to any of the foregoing classes nor receive state aid unless, if the service of the soldier or sailor was in the war with Spain, she was married to him before his final discharge from such service and before the eighteenth day of May in the year eighteen hundred and ninety-nine, and if his service was in the civil war unless she was, if his wife, married to him prior to his final discharge from such service, and if his widow, prior to the ninth day of April in the year eighteen hundred and eighty. The words "pensioner", "soldier", and "sailor", as used in this chapter, shall be held to include a commissioned officer, and the word "sailor", shall be held to include a marine.

Certain words defined.

Classification of certain beneficiaries, etc.

SECTION 5. Of the persons to or for whom state aid is paid under any special act or resolve designating them by name, and passed after the first day of June in the year eighteen hundred and seventy-nine, or to or for whom state aid was then being paid under any special act or resolve then repealed, all soldiers and sailors shall be held to belong to the first class, and all dependent relatives of soldiers and sailors to the second class of section three, notwithstanding the limitations of such classes; and state aid may be paid to or for such persons in the same manner and with the same limitations as it is paid to or for other persons of their respective classes; but no aid shall be paid to or for any person under the provisions of this section contrary to any limitation or condition of the original special act or resolve authorizing state aid to be paid to or for him.

Limit of amounts payable.

SECTION 6. No state aid shall be paid to or for a person of the first class of section three exceeding in any one month three fourths of the monthly amount of his pension, nor exceeding six dollars in any one month; or to or for a person of the second, third, fourth or fifth class of said section exceeding four dollars in any one month; and no more than eight dollars shall be paid to or for all the dependent relatives of any one soldier or sailor in any one month. State aid shall not be paid to or for any soldier or sailor on account of service in the war with

No aid to be paid in certain cases, etc.

Spain, or to his dependent relatives, unless he enlisted or was appointed in the service of the United States after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight; but it may be allowed to or for volunteers mustered into the service of the United States in Massachusetts regiments after said twelfth day of August but prior to the first day of January in the year eighteen hundred and ninety-nine who shall otherwise be qualified to receive the same, and to or for their dependent relatives.

SECTION 7. Applicants for state aid shall, before any payment thereof to them, state in writing under oath the name, age and residence of the person for whom such aid is sought, his relation to the person who rendered the service entitling the applicant to aid, the company, regiment or vessel in or to which the officer, soldier or sailor enlisted or was appointed and in which he last served; the date and place of such enlistment, if known; the duration of such service and the reason upon which the claim for aid is founded; and shall furnish such official certificates of record, evidence of enlistment, service and discharge as may be required. The original papers in each case shall be filed with the commissioner of state aid, who shall from time to time provide each city and town with blank forms for the use of applicants for aid.

Applications
for aid.

SECTION 8. Said commissioner shall determine all controversies between invalid pensioners and city and town authorities relative to claims for state aid. He may refuse to decide on the necessity of the claimants for aid, but if he shall determine that the claimant is entitled thereto he may authorize its payment to him monthly for not more than one year, under such limitations as he may impose. An appeal may be taken from his determination to the governor and council, whose decision shall be final.

Commissioner
to determine
controversies,
etc.

Appeal may be
taken to
governor and
council.

MILITARY AID.

SECTION 9. The recipient of military aid shall belong to and have the qualifications of one of the four following classes: —

Military aid.

First Class, Each person of the first class shall have his settlement in the city or town aiding him; shall have served as a soldier, sailor, marine or commissioned officer in the manner and under the limitations prescribed in the

First class
qualifications.

First class qualifications.

first class of section three ; shall have been honorably discharged from such United States service and from all appointments and enlistments therein ; shall be poor and indigent and, by reason of sickness or other physical disability, in such need as would entitle him to relief under the pauper laws ; shall not be, directly or indirectly, in the receipt of any other state or military aid, or of any pension for services rendered or disabilities incurred either in the civil war or in the war with Spain ; and shall not, under the laws of the United States or under the rules governing any national soldiers' or sailors' home, be entitled to admission thereto, and his disability must have arisen from causes independent of his military or naval service aforesaid ; but the mayor and aldermen, selectmen or, in Boston, the soldiers' relief commissioner, if satisfied, upon evidence first submitted to, and found satisfactory by, the commissioner of state aid, that justice and necessity require such aid to prevent actual suffering, may grant it to an applicant for a pension while his application is pending, or to an unmarried applicant for a pension who cannot obtain assistance at a national soldiers' or sailors' home.

Second class qualifications.

Second Class, Each person of the second class shall have his settlement in the city or town aiding him, and shall be an invalid pensioner entitled to receive state aid whose pension and state aid are inadequate for his relief, and who would otherwise receive relief under the pauper laws.

Third class qualifications.

Third Class, Each person of the third class shall have all the qualifications of persons of the first class, except settlement ; and he shall have been a continuous resident of this Commonwealth during the three years last preceding his receipt of military aid, and he shall be a resident of the city or town aiding him.

Fourth class qualifications.

Fourth Class, Each person of the fourth class shall have all the qualifications of persons of the second class, except settlement ; and he shall have been a continuous resident of this Commonwealth during the three years last preceding his receipt of military aid, and he shall be a resident of the city or town aiding him.

Aid under third and fourth classes to be ordered by commissioner.

SECTION 10. A city or town shall not render military aid to a person of the third or fourth class until it has furnished to the commissioner of state aid such evidence as may be required that he is entitled to receive aid, and has received from said commissioner an order fixing the

maximum amount which may be paid a month, and the period during which aid may be allowed, and stating such other conditions as the commissioner may impose relative to such aid. Such order may be revoked or modified by the commissioner by giving written notice to the city or town which procures it.

SECTION 11. No person shall be compelled to receive military aid without his consent. No person shall receive military aid on account of his service in the war with Spain unless he was enlisted or appointed in the service of the United States aforesaid after the fourteenth day of February in the year eighteen hundred and ninety-eight and prior to the twelfth day of August in said year; but military aid may be allowed to or for volunteers mustered into the service of the United States in Massachusetts regiments after said twelfth day of August but prior to the first day of January in the year eighteen hundred and ninety-nine, who shall otherwise be qualified to receive the same. No person shall be compelled to receive military aid in an almshouse or other public institution, unless his physical or mental condition requires it or unless he so elects; and, except in such case, it shall be paid to or expended for those persons only who live separate from persons receiving support as paupers. The mayor and aldermen, selectmen, soldiers' relief commissioner or the commissioner of state aid may require a person to whom military aid is granted to pay over his pension to them to be expended for his relief before he shall receive such aid.

Certain persons not to receive military aid, etc.

Certain persons to pay over their pensions, etc.

GENERAL PROVISIONS.

SECTION 12. No person shall at the same time receive both state and military aid.

Receipt of aid limited.

SECTION 13. State and military aid shall be paid to or applied solely for the benefit of the person for whom it is intended, and only so much shall be paid to or for him as may be necessary to afford him reasonable relief or support. It shall not be paid to or for any person who is able to support himself, who is in receipt of income or who owns property sufficient for his support, nor to an amount in excess of such amount as is necessary, in addition to his income and property, for his personal relief or support, nor to or for any soldier, sailor, pensioner, dependent relative or nurse if the necessity therefor is caused by the

To whom state and military aid may be paid, etc.

Not to be paid to certain persons, etc.

Assignments
not valid, etc.

Payment of
aid restricted.

City and town
officers to
make return
to commis-
sioner.

Commissioner
to examine
certificates,
etc.

Allowances by
commissioner,
etc.

voluntary idleness or continuous vicious or intemperate habits of the soldier, sailor or pensioner on whose account such aid is sought, nor to or for any person who has been dishonorably discharged from any national soldiers' or sailors' home or from the soldiers' home in this Commonwealth, unless the commissioner of state aid, after a hearing, shall otherwise determine. State aid shall not be subject to the trustee process, and no assignment thereof shall be valid. No back state aid shall be paid, nor shall state aid be paid to or for any person convicted of crime unless the municipal authorities and the commissioner of state aid otherwise determine, nor shall state or military aid be paid if the pensioner, soldier or sailor deserted from the service of the United States either in the war of the rebellion or in the war with Spain or is wilfully absent from his family and neglects to render them such assistance as he is able to give.

SECTION 14. The full amount expended for state or military aid by any city or town, the names of the persons aided and the classes to which they severally belong, the amounts paid to or for each person, the reasons therefor, the names of the persons on account of whose services the aid was granted, the names, if any, of the companies, regiments or vessels in which they respectively enlisted, or to which they were appointed, and in which they last served, and the relationship of each person who was aided to the soldier or sailor on account of whose services the aid was granted, and such other details as the commissioner of state aid may require, shall, within the first ten days of the month following the month in which the expenditure was made, be certified, under oath, by the mayor, treasurer and city clerk of any city or a majority of the selectmen of any town disbursing the same, to said commissioner on blank forms to be provided by, and in a manner approved by, said commissioner. The commissioner shall examine the certificates thereof and allow and endorse thereon such amounts as in his judgment have been paid and reported according to the provisions of this chapter, and shall transmit the certificates to the auditor. Said commissioner may decide upon the necessity of the amount paid in each case, and may allow any part thereof which he may deem proper and lawful and which, in cases of payment to or for persons of the third or fourth class entitled to receive military aid, he shall also find to have been made accord-

ing to his orders; but he shall allow and endorse the amounts which he has specifically authorized to be paid under and according to his decisions authorized and provided for by section eight. The whole of the amounts legally paid as aforesaid and so allowed for state aid, and all payments to or for persons of the third or fourth class entitled to military aid, and one half of all payments made to persons of the first or second class entitled to military aid, but none of the expenses attending the payment of state or military aid, shall be reimbursed by the Commonwealth to the several cities and towns on or before the tenth day of December in the year after such expenditure.

Cities and towns to be reimbursed.

SECTION 15. The commissioner may, with the consent of the governor, appoint, as occasion may require, one or more disinterested persons who shall investigate any claims against the Commonwealth for state or military aid, may examine any persons to or for whom such aid has been paid, investigate the reasons therefor and all matters relating to the granting of such aid, and shall report their doings to the commissioner. The reasonable expenses of the commissioner, and the expenses and compensation of any such disinterested person, approved by said commissioner, and allowed by the governor and council, shall be paid by the Commonwealth. Municipal authorities who grant state or military aid shall from time to time after its original allowance make such investigations into the necessities and qualifications of the person aided as to prevent any payment thereof contrary to the provisions of this chapter.

Investigating agents, appointment, etc.

Municipal authorities to make investigations, etc.

SECTION 16. The provisions of the preceding sections of this act and of special acts or resolves now or hereafter authorizing the payment of state or military aid to persons therein named, unless expiring by limitation of their own provisions, or unless otherwise provided, shall continue in force until the first day of January in the year nineteen hundred and ten; but such provisions as relate to the settlement of accounts for aid rendered by cities or towns previous to said date and to the reimbursement thereof shall continue in force for one year after said date.

Limitation of provisions.

BURIAL OF INDIGENT SOLDIERS.

SECTION 17. The mayor of each city and the selectmen of each town or, in Boston, the soldiers' relief commissioner, shall designate a burial agent, who shall serve without com-

Burial agents in cities and towns, designation, powers and duties.

Burial agents
in cities and
towns, design-
ation, powers
and duties.

compensation, shall not be one of the overseers of the poor or be employed by them, and who shall, under regulations established by the commissioner of state aid, cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the war of the rebellion, or during the war between the United States and Spain after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight, and the body of his wife, widow or dependent mother, and the bodies of such army nurses as are entitled to state aid under section three of this act, if they die without sufficient means to defray funeral expenses; but no wife or widow of any soldier, sailor or marine of the civil war shall be entitled to the benefits of this section unless she was married to him prior to the year eighteen hundred and eighty, and no wife or widow of any soldier, sailor or marine of the Spanish war unless she was married to him prior to the first day of January in the year nineteen hundred and one. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of the death, and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioner of state aid, he may certify the same as provided in the following section.

Expense of
burial limited,
etc.

Relatives may
conduct
funeral.
Statement to be
made to com-
missioner of
state aid, etc.

SECTION 18. The expense of such burial shall not exceed thirty-five dollars. It shall not be made in any cemetery or burial ground which is used exclusively for the burial of the pauper dead, or in any part so used of any cemetery or burial ground. Relatives of the deceased who are unable to bear the expense of burial may be allowed to conduct the funeral. The full amount so expended, the name of the deceased soldier, sailor or marine, the regiment, company or vessel in which he served, the date of death, place of interment, and in case of a wife or widow the name of the husband and date of marriage, and such other details as the commissioner of state aid may require, shall be certified under oath to him, in such manner as he may approve, by the burial agent and the treasurer of the city or town expending the amount, within ninety days after burial; and said commissioner shall endorse upon the certificate his allowance of such amounts as in his judgment have been paid and reported according to this chapter, and shall

transmit such certificate to the auditor. The amounts legally paid and so allowed, with no expense for disbursement, shall be reimbursed by the Commonwealth to the several cities and towns on or before the tenth day of December in the year after the expenditures have been made.

Cities and towns to be reimbursed.

SECTION 19. This act shall take effect on the first day of July in the year nineteen hundred and four, but so far as its provisions are the same as those of existing laws they shall be construed as a continuation thereof.

When to take effect, etc.

Approved May 27, 1904.

AN ACT TO ESTABLISH THE SALARIES AND TO DEFINE THE DUTIES OF THE FEMALE MEMBERS OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Chap. 382

Be it enacted, etc., as follows:

SECTION 1. Each female member of the inspection department of the district police shall receive an annual salary of twelve hundred and fifty dollars, and her actual travelling and other necessary expenses while on duty. One of the said members shall be detailed by the chief of the district police for the inspection of factories and the other for the inspection of mercantile establishments and other buildings.

Compensation, etc., of female members of inspection department of district police.

SECTION 2. So much of chapter one hundred and eight of the Revised Laws as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1904.

AN ACT RELATIVE TO COUNTY TEACHERS' ASSOCIATIONS.

Chap. 383

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter forty of the Revised Laws is hereby amended by striking out the word "twenty-five", in the fifth line, and inserting in place thereof the word:—fifty,—so as to read as follows:—*Section 4.* If a county association of teachers and others holds an annual meeting of not less than one day for the express purpose of promoting the interests of public schools, it shall, upon filing with the governor a certificate, under oath, of its president and secretary that

R. L. 40, § 4, amended.

Payments to county teachers' associations.

a meeting has been so held, receive fifty dollars from the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1904.

Chap. 384 AN ACT RELATIVE TO SEWERAGE EXPENSES, ASSESSMENTS AND CHARGES, AND TO THE POWERS OF THE SEWER COMMISSIONERS IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

City of Taunton, system of sewers.

SECTION 1. The provisions of this act shall be deemed to have been enacted in view of the system of sewers which was adopted by the city of Taunton on the fourteenth day of August, eighteen hundred and ninety-seven, pursuant to the authority contained in chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, and in view of the territory to which said system applies and of the conditions therein.

Payment of cost.

SECTION 2. The total cost of laying, making, maintaining and repairing the sewers of said system of sewers shall be borne and paid as hereinafter provided.

Owners of certain lands to be assessed, etc.

SECTION 3. One third of the cost of laying and making the sewers of said system of sewers shall be paid from assessments to be made as follows: — The sewer commissioners of said city shall assess the owners of lands hereinafter described within the territory embraced by said system of sewers, by a fixed uniform rate based upon the estimated average cost of all the sewers of said system. In making such estimate and for all purposes under this act, the cost of sewers in said territory which were built prior to the adoption of said system, but which have been made or are to be made a part thereof, shall be taken to be their cost, after a reasonable deduction for depreciation, if any, on account of age and use has been made. Such assessments shall be made as aforesaid on the lands in said territory on every street or way in which the trunk sewer of said system is constructed, or in which there is a common sewer, directly or indirectly connected with said trunk sewer, whether such sewer was built prior or subsequent to the fourteenth day of August, eighteen hundred and ninety-seven, and shall be made according to the frontage of such lands on such street or way, and according to the area of such lands within a fixed depth from such street or way; but no assessment in respect to any such land which, by reason of

its grade or level or any other cause, cannot be drained into such sewer, shall be made until such incapacity is removed; and in cases of corner lots and lots abutting on more than one sewered street or way, the same area shall not be assessed more than once. The lien hereinafter provided for shall attach to the parcel assessed. If payment has been made of any prior assessment or charge imposed in respect to any such land on account of any common sewer of said system, an allowance shall be made for such payment, and the owner shall be assessed for the remainder only. Said sewer commissioners shall certify all assessments made under this section to the collector of taxes of said city for collection. After receiving an assessment list, the collector shall forthwith send notice to each person assessed of the amount of his assessment, in like manner as notices of taxes are sent.

Allowance to be made for certain payments, etc.

SECTION 4. Assessments made under the preceding section shall bear interest at the rate of four per cent per annum, from the thirtieth day after they become due until they are paid, and the accruing interest shall be added to and be a part of such assessments. If the owner of land, within thirty days after notice of an assessment thereon, notifies in writing the assessors to apportion the same, they shall apportion it into such number of equal parts, not exceeding fifteen, as the owner shall in said notice require. The assessors shall add one of said parts, with interest at the rate of four per cent per annum from the date of apportionment, to the annual tax of said land for each year next ensuing until all parts have so been added, unless sooner paid as hereinafter provided. Such assessments shall constitute a lien on the land, and such lien shall continue for two years after the assessments have been committed to the collector, or, if they are to be paid by instalments, for two years after the last instalment has been committed to the collector, unless sooner paid. Any balance of said assessments remaining unpaid may be paid at any one time, notwithstanding a prior apportionment, but interest on such balance, at the rate of four per cent per annum, shall be paid to the date of such payment. Demand for the payment of assessments shall be made in like manner as demands for the payment of taxes, and sales for the non-payment of assessments, and all proceedings connected therewith, shall be made upon the same notices thereof, and shall otherwise be conducted in the same

Assessments may be apportioned, etc.

To constitute a lien, etc.

Collection of assessments, etc.

manner as sales for non-payment of taxes. All proceedings subsequent to such sales, relative to redemption, the purchase and holding of the land by the city, the interest to be paid in case of redemption, and otherwise, shall be the same as when land is sold for taxes. Assessments may also be collected by an action of contract in the name of the city, brought within two years after the same have become due and payable.

May be collected by an action of contract.

Persons aggrieved may apply for a jury, etc.

SECTION 5. Any person aggrieved by an assessment made under section three of this act may at any time within three months after receiving notice thereof apply for a jury to revise the same. Such application shall be made in like manner and the proceedings thereon shall be the same as in the case of land taken for laying out highways; but before making his application the person making the same shall give fourteen days' notice in writing to said sewer commissioners of his intention so to do, and shall in such notice particularly specify his objection to the assessment, to which specification he shall be confined before the jury. The commissioners on receipt of every such notice shall notify the collector of taxes.

Portion of cost to be paid from annual charges.

SECTION 6. One third of the cost of the sewers of said system of sewers, excluding sewers built prior to the adoption of said system, and two thirds of the cost, after the passage of this act, of maintaining and repairing the sewers of said system of sewers, shall be paid, so far as may be, from annual charges for the use of said sewers, to be established and collected as hereinafter provided.

Portion of cost to be paid by city.

SECTION 7. So much of the cost of laying, making, maintaining and repairing the sewers of said system of sewers as is not obtained by the special assessments hereinbefore provided for and by the annual charges hereinafter provided for, and remains to be paid, shall be borne by said city and shall be raised by general taxation.

Sewer commissioners to establish annual charges, etc.

SECTION 8. Said sewer commissioners shall establish just and equitable annual charges, which they may change from time to time, to be paid for the use of the sewers of said system of sewers by every owner of an estate or other person who enters his particular sewer into the trunk sewer of said system or into any common sewer directly or indirectly connected with said trunk sewer; but, in cases where said sewer commissioners shall deem it to be equitable, a discount may be made by them. Such charges shall be collected semi-annually or annually, as said sewer com-

Collection of charges.

missioners may determine, and to that end the sewer commissioners shall semi-annually or annually certify the same to the collector of taxes of said city. Upon receipt of a list of charges the collector shall forthwith send notice to each person charged, of the amount of his charges, in like manner as notices of taxes are sent. Such charges shall bear interest at a rate not exceeding six per cent per annum from the thirtieth day after they become due until they are paid. The accruing interest shall be added to and be a part of such charges. The charges shall constitute a lien on the real estate using the sewer, and the lien shall continue for two years after such charges are committed to the collector of taxes. Demand for the payment of charges shall be made in like manner as demands for the payment of taxes, and sales for the non-payment of charges and all proceedings connected therewith shall be made upon the same notices thereof, and shall otherwise be conducted in the same manner as sales for non-payment of taxes. All proceedings subsequent to such sales, relative to redemption, the purchase and holding of the land by the city, the interest to be paid in case of redemption, and otherwise, shall be the same as when the land is sold for taxes. Such charges may also be collected by an action of contract in the name of the city, brought within two years after the same have become due and payable. Any person who is aggrieved by an annual charge established as aforesaid may, within three months thereafter, file a petition in the superior court for the county of Bristol asking for a revision of the same; and thereupon the case shall be heard by a single justice, and the annual charge established as aforesaid shall be modified or confirmed, and such decision shall be final and conclusive.

To constitute a lien, etc.

Collection of charges.

May be collected by an action of contract.

Persons aggrieved may petition for revision, etc.

SECTION 9. Section three of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, as amended by chapter one hundred and sixty-four of the acts of the year eighteen hundred and ninety-eight, is hereby further amended by striking out the words "city council", in the last line of said section, and inserting in place thereof the words:—said commissioners,—and by striking out section four and inserting in place thereof the following:—*Section 4.* All contracts made by said commissioners shall be made in the name of the city; but no contracts shall be made or obligations incurred by the commissioners for any purpose in excess of the

1895, 219, § 3, etc., and § 4, amended.

Contracts, etc.

Compensation
of commis-
sioners.

Vacancy, etc.

amount appropriated by the city council therefor. The compensation of the commissioners shall be fixed by the city council. Any vacancy in said board of commissioners shall be filled by appointment made by the mayor, subject to confirmation or rejection by the board of aldermen. Said commissioners shall be subject to removal by the mayor for cause.

Repeal.

SECTION 10. Chapters one hundred and fifty-four and three hundred and forty-two of the acts of the year eighteen hundred and ninety-eight are hereby repealed.

Certain pro-
visions of law
to apply.

SECTION 11. The provisions of chapter forty-nine of the Revised Laws, and of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, and all acts in amendment thereof and in addition thereto, so far as applicable and not inconsistent with this act, shall apply in the carrying out of this act.

When to take
effect.

SECTION 12. This act shall be submitted to the city council of the city within two months after its passage, and shall take effect upon its acceptance by the city council with the approval of the mayor.

Approved May 28, 1904.

Chap. 385 AN ACT TO PROVIDE FOR TAXING LEASEHOLD ESTATES ON THE COMMONWEALTH FLATS.

Be it enacted, etc., as follows:

Taxation of
leasehold
estates on the
Common-
wealth Flats.

SECTION 1. The lands of the Commonwealth, situate in that part of the city of Boston called South Boston and known as the Commonwealth Flats, shall, if leased for business purposes, be taxed by the city of Boston to the lessees thereof, respectively, in the same manner as the lands and buildings thereon would be taxed to such lessees if they were the owners of the fee, except that the payment of the tax shall not be enforced by any lien upon or sale of the lands; but a sale of the leasehold interest therein and of the buildings thereon may be made by the collector of the city of Boston in the manner provided by law in case of non-payment of taxes for selling real estate, for the purpose of enforcing the payment of the taxes by such lessees to the city of Boston assessed under the provisions hereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1904.

AN ACT TO ESTABLISH THE SALARY OF THE ASSOCIATE JUDGE OF LAND REGISTRATION. *Chap.386*

Be it enacted, etc., as follows :

SECTION 1. The salary of the associate judge of land registration shall be forty-five hundred dollars a year.

Salary of
associate judge
of land registra-
tion.
Repeal.

SECTION 2. So much of section twelve of chapter one hundred and twenty-eight of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1904.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX. *Chap.387*

Be it enacted, etc., as follows :

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now authorized by law, a sum not exceeding one thousand five hundred dollars a year for clerical assistance actually rendered, to be so allowed from the first day of January in the year nineteen hundred and four and to be paid from the treasury of the Commonwealth upon the certificate of the judge of probate and insolvency for said county.

Register of
probate and
insolvency,
Middlesex
county, clerical
assistance.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1904.

AN ACT RELATIVE TO PRINTING AND BINDING CERTAIN PUBLIC DOCUMENTS. *Chap.388*

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter nine of the Revised Laws is hereby amended by striking out lines one hundred and twenty to one hundred and twenty-seven, inclusive, and inserting in place thereof the following : — Of the trustees of the Massachusetts Agricultural College, thirty-five hundred copies, of which twenty-five hundred copies shall be for the use of said college. Of that part of said report relating to the Hatch experiment station, twenty-two thousand additional copies, of which fifteen thousand copies shall be bound with the report of the

R. L. 9, § 7,
amended.

Report of
trustees of
Agricultural
College,
printing, etc.

Statistics not to be printed in public documents without approval of board of publication.

secretary of the state board of agriculture and of which six thousand copies shall be for the use of the trustees.

SECTION 2. Boards, commissions and heads of departments having charge of preparing and printing documents relating to their various departments shall not incorporate therein any statistics unless the same shall be approved by the state board of publication.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1904.

Chap. 389

AN ACT TO REVISE THE CHARTER OF THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

INCORPORATION.

City of
Pittsfield.

SECTION 1. The inhabitants of the city of Pittsfield shall continue to be a body politic and corporate, under the name of the City of Pittsfield, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities and shall be subject to all the duties and obligations pertaining to and incumbent upon said city as a municipal corporation.

Management
of municipal
affairs, etc.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the board of aldermen, except however that the general management and control of the public schools of the city shall be vested in a school committee.

Seven wards.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Meetings of
qualified
voters.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal and legal purposes shall be called by the board of aldermen, and the city clerk shall, under their direction, cause notice of such meetings to be printed in one or more newspapers published in the city and to be conspicuously posted in the office of the city clerk. Such meetings shall be called at least seven days before the day prescribed for the holding thereof.

Meetings of
qualified
voters may be
held in adja-
cent ward.

SECTION 5. When no convenient wardroom for holding the meeting of the qualified voters of a ward can be had within the territorial limits of such ward, the board

of aldermen may appoint and direct, in the call for the meeting of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed to be a part of the ward for which the meeting or election is held.

SECTION 6. General meetings of the inhabitants of the city may from time to time be held, according to the right secured to the people by the constitution of the Commonwealth; and such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall, be called by the board of aldermen.

General meetings of inhabitants.

SECTION 7. The first municipal election after the acceptance of this act shall be held on the third Tuesday in December in the year in which it is accepted, and thereafter the municipal election shall be held annually on the first Tuesday in December and the municipal and fiscal year shall begin at ten o'clock in the forenoon on the first Monday in January and continue until ten o'clock in the forenoon on the first Monday in the following January.

Municipal election and municipal year.

SECTION 8. At the municipal election the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, members of the school committee, city clerk, city treasurer, collector of taxes, assessors and city auditor, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office, and whenever two or more persons are to be elected to the same office the several persons, up to and including the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. Each person so elected shall be notified of his election in writing by the city clerk.

Election of mayor, aldermen, etc.

Persons elected to be notified.

ORGANIZATION.

SECTION 9. On the first Monday in January at ten o'clock in the forenoon, the mayor elect, aldermen and aldermen elect shall meet and the mayor elect and aldermen elect shall be sworn to the faithful discharge of their duties. The oath may be administered by any justice of the peace, and a certificate that such oath has been taken shall be entered on the journal of the board of aldermen. At any time thereafter the oath may be administered, in

Oath of office of mayor and aldermen.

Organization
of board of
aldermen, etc.

the presence of the board of aldermen, to the mayor or to any alderman absent from the meeting on the first Monday in January, or not elected prior thereto. After the aldermen or a majority of them have been sworn, they shall assemble and elect from their number a president of the board in the manner provided in section seven of chapter twenty-six of the Revised Laws. The member having the highest number of votes shall be deemed and declared to be elected. No other business shall be transacted by the aldermen until the president has been elected.

President of
board of alder-
men, powers
and duties, etc.

SECTION 10. The president of the board of aldermen shall preside at all meetings of the board. In case of his absence at any meeting a member of the board may be elected as aforesaid to serve as president pro tempore. In case of a vacancy in the office of president of the board, the vacancy shall be filled in the manner of the original election.

Vacancy.

City clerk to be
clerk of board
of aldermen,
etc.

SECTION 11. The city clerk shall be clerk of the board of aldermen; but in case of a vacancy in the office, or of the temporary absence or disability of the city clerk, the board of aldermen may elect a clerk pro tempore. The city clerk and such clerk pro tempore shall be duly sworn. The city clerk shall attend the sessions of the board of aldermen, shall keep a record of its proceedings, and shall perform such further service as the board of aldermen shall require.

BOARD OF ALDERMEN.

Aldermen,
election, terms,
etc.

SECTION 12. The board of aldermen shall be composed of seven aldermen at large, one from each ward, who shall be nominated and elected by and from the qualified voters of the city, and shall hold office for the term of one year from the first Monday in January next following their election; and two aldermen from each ward to be elected as follows: — At the first municipal election following the acceptance of this act, two aldermen shall be elected by and from the qualified voters of each ward, who shall hold office, one for one year and one for two years from the first Monday in January following; and at each municipal election thereafter one alderman shall be elected by and from the qualified voters of each ward, who shall hold office for the two municipal years next following his election. The board of aldermen shall sit and act as one legislative body.

SECTION 13. If a vacancy in the office of a member of the board of aldermen shall occur more than one year previous to the expiration of his term of office, and such vacancy exists at the time nominations may be made for the following municipal election, the board of aldermen shall declare a vacancy to exist and thereupon shall cause a new election to be held to fill the same at the time of such municipal election. The person so elected shall hold office for the unexpired term.

Vacancy.

SECTION 14. If the full number of members of the board of aldermen shall fail to be elected, or if there be a vacancy in said board, the board of aldermen may declare a vacancy to exist and thereupon may cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold office for the remainder of the term.

Failure to elect, etc.

SECTION 15. No person shall be eligible for election as an alderman from a ward who is not at the time of his election a resident of the ward from which he is chosen, but his subsequent removal to another ward of the city shall not disqualify any such officer from performing the duties of his office. The members of the board shall serve without compensation, except that, in case of a vacancy in the office of mayor, the president of the board of aldermen shall be entitled to the salary of mayor while performing the duties of mayor.

Certain persons not eligible, etc.

To serve without compensation, except, etc.

SECTION 16. The board of aldermen shall be the judge of the election of its members, shall determine the rules of its proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its business.

To be judge of the election of its members, etc.

SECTION 17. The mayor may, and the city clerk at the written request of ten members of the board of aldermen shall, call a special meeting of the board of aldermen by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business than that stated in the notice shall be transacted at such special meeting.

Special meetings of board of aldermen.

SECTION 18. A majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.

Appropriations and loans.

SECTION 19. All votes of the board of aldermen making appropriations or authorizing loans of money shall be in itemized form, and when brought before the board of aldermen on recommendation of the mayor no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members present and voting thereon.

Ordinances, etc., may be passed at one session unless objection is made, etc.

SECTION 20. Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session by unanimous consent of the members of the board present. Should one or more members object, action on the measure shall be postponed for at least one week ; and if when it is next considered five or more members object to its passage a second postponement for at least one week shall take place.

Private sittings of board of aldermen, etc.

SECTION 21. The board of aldermen may by special vote hold private sittings for the consideration of candidates for election, for the consideration of nominations by the mayor, and for executive business, but all other sittings shall be public and all votes on election of officers and on confirmation of appointments shall be taken in public.

Members of board of aldermen not to hold other city office, etc..

SECTION 22. No person shall be eligible by appointment or election by the mayor or by the board of aldermen to any office of emolument the compensation of which is payable out of the city treasury, who at the time of such election or appointment is a member of the board of aldermen. No member of the board of aldermen shall act as counsel or attorney before the board of aldermen or any committee thereof.

Powers and duties of board of aldermen.

SECTION 23. Except as otherwise provided herein the board of aldermen shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils and boards of aldermen under the general laws of the Commonwealth, and shall be subject to the duties imposed on city councils and boards of aldermen ; and shall have and exercise all the powers, other than executive, given to selectmen of towns and to the selectmen of the town of Pittsfield, or to the city council of the city of Pittsfield, under any special laws heretofore passed with reference to said town or city of Pittsfield and not inconsistent herewith ; and except as herein otherwise provided

shall have all the powers of the board of public works of the city of Pittsfield.

SECTION 24. The board of aldermen may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of boards and offices in addition to those hereinafter named, for the construction and care of public works and buildings, for the direction and custody of public parks and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given to it by general or special laws or given by general laws to city councils and boards of aldermen. The board of aldermen may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as are or may hereafter be established, may increase the number of persons constituting any of the boards herein specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as hereinbefore provided, and may abolish an office or board hereafter established.

Additional boards and offices may be established, etc.

Boards and offices may be consolidated, etc.

SECTION 25. The board of aldermen shall have power within the city to make and establish ordinances and by-laws and to affix thereto penalties as herein and by general law provided without the sanction of any court or justice thereof. Ordinances, unless they contain an express provision for a later date, shall take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval. All fines and forfeitures for the breach of an ordinance shall be paid into the city treasury. Complaint for the breach of an ordinance may be made by any resident of the city. All existing ordinances of the city not inconsistent with the provisions of this act shall continue in force until amended or repealed.

Board of aldermen may make ordinances, etc., affix penalties, etc.

Certain existing ordinances to continue in force, etc.

SECTION 26. The board of aldermen shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year, and such appropriations shall not be increased except by a vote of two thirds of the board voting by yeas and nays. Any appropriation made by the board of aldermen for the erec-

Appropriations.

tion of a city hall or for the purchase of land therefor, shall be subject to ratification by the legal voters of the city, voting in their respective wards or precincts at an annual municipal election.

Laying out,
etc., of streets
and ways.

SECTION 27. The board of aldermen, subject to the approval of the mayor, shall have exclusive power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways within the limits of the city, and to assess the damages sustained thereby. Any person aggrieved by the action of the board of aldermen hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

No public
franchise, etc.,
to be granted
except by a
majority vote,
etc.

SECTION 28. No public franchise, nor any right in, under or over any public street or way shall be granted except by a majority vote of all the members of the board, and every order and permit granting such franchise or right shall before its final passage lie on the table in the board of aldermen for at least one week after its first introduction in that body.

Mayor, elec-
tion, term,
etc.

SECTION 29. The mayor shall be elected by and from the qualified voters of the city, and shall hold office for the municipal year next following his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

Failure to
elect or
vacancy in
office of mayor,
etc.

SECTION 30. In case of a vacancy in the office of mayor occurring more than six months previous to the expiration of the term, or if no mayor be elected at the annual municipal election, the board of aldermen shall order an election for a mayor to serve during the unexpired term, or if the vacancy occurs within the last six months of the term, the board of aldermen may order such election. If such vacancy occurs in the last six months of the term, and no mayor is elected, the president of the board of aldermen shall become acting mayor for the unexpired term, with all the duties, rights and powers of mayor. Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of his office, or, if the office is vacant, pending an election as aforesaid, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the

Who shall act
in case of
vacancy, etc.

board of aldermen, make any permanent appointment or removal from office; nor shall he, unless the disability of the mayor has continued at least nine days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen.

SECTION 31. The mayor shall be the chief executive officer of the city, and the executive powers of the city, except as otherwise provided herein, shall be vested in him and shall be exercised by him, either personally or through the several officers and boards in their respective departments under his general supervision and control.

Mayor to be chief executive officer, etc.

SECTION 32. The mayor shall communicate to the board of aldermen such information and recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city, and the harmonious and concerted action of the administrative and executive departments.

Mayor to recommend certain measures, cause laws to be enforced, etc.

SECTION 33. Every ordinance, order, resolution or vote of the board of aldermen, except those relating to matters of procedure or to the election of officers shall be presented to the mayor by the clerk of the board within twenty-four hours after its passage, Sundays and legal holidays excepted. If the mayor approves it he shall sign it, and it shall then be in force; if he disapproves it, he shall return it, with his objections in writing, to the board, which shall enter such objections at large on its records and again consider it; and if two thirds of the members present and voting pass it, notwithstanding such objections, it shall be in force; but in all cases the vote shall be by yeas and nays. Such ordinance, order, resolution or vote shall be in force if it is not returned by the mayor within ten days after it has been presented to him.

Certain ordinances, etc., to be presented to mayor for approval, etc.

SECTION 34. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, with the confirmation of the board of aldermen, appoint one or more clerks whose compensation shall be fixed by the board.

Record of official acts of mayor to be kept, etc.

SECTION 35. The mayor shall cause to be made to him in the month of January of each year by the heads of departments, and by all other officers and boards having

Estimates of expenses.

authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year; and he shall, not later than the first Monday in March, transmit such estimates to the board of aldermen, recommending such appropriations for each department or purpose as he shall deem necessary therefor.

Detailed statements of receipts and expenditures, etc., to be made and published.

SECTION 36. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Mayor may cause books and accounts of departments, etc., to be examined.

SECTION 37. The mayor may at any time appoint a suitable person or persons to examine, without notice, the books and accounts of any department, officer or employee of the city.

ADMINISTRATIVE OFFICERS.

Administrative officers.

SECTION 38. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties not inconsistent with the nature of their respective offices and with general laws as the board of aldermen may prescribe.

First. A city treasurer.

Second. A collector of taxes.

Third. A city clerk.

Fourth. A city auditor.

Fifth. A city solicitor.

Sixth. A city physician.

Seventh. A board of assessors, to consist of three persons.

Eighth. A commissioner of public works.

Ninth. A superintendent of the poor.

Tenth. A board of health, to consist of three members; one member at least of such board to be a doctor of medicine.

Assessors, election, terms, etc.

SECTION 39. At the first municipal election held under this act one assessor shall be elected to serve for the three municipal years, one for the two municipal years and one for the municipal year next ensuing, and thereafter one assessor shall be elected at each municipal election to serve for the three municipal years next ensuing and until his successor is elected and qualified. At the first municipal

election held under this act, there shall be elected a city clerk and a city treasurer to serve for the term of three years, a collector of taxes to serve for the term of two years, and a city auditor to serve for the term of one year, from the first Monday in March next ensuing; and thereafter such of these officers whose term of office shall expire on the first Monday of the following March, shall be elected at each municipal election to serve for the three years next ensuing, after the expiration of such term. The term of office of all such officers shall begin on the first Monday in March next after their election and they shall continue in office until the election and qualification of their successors unless sooner removed by due process of law. Vacancies in such offices shall be filled by appointment of the mayor, except as hereinafter provided, the officers so appointed to continue in office until the beginning of the next municipal year, or until the vacancy is filled at an election as hereinafter provided. If a vacancy in any such office shall occur prior to the time nominations may be made for the following municipal election, or any special election held for the election of mayor or a member of the board of aldermen, as herein provided, the board of aldermen shall declare a vacancy to exist and thereupon shall cause a new election to be held to fill the same at the time of such municipal or special election. The person so elected shall at once be sworn and shall enter upon the duties of the office, and shall hold the office for the unexpired term.

City clerk, treasurer, auditor and collector of taxes, election, terms, etc.

Vacancies.

SECTION 40. The mayor shall appoint in January of each year one member of the board of health to serve for the term of three years from the first Monday in March next ensuing and until his successor is appointed. The present members of the board of health of the city shall, unless sooner removed, continue to hold office for the terms for which they were severally elected.

Members of board of health, appointment, etc.

SECTION 41. The mayor, in January of each year, shall appoint, subject to the confirmation or rejection of the board of aldermen, a city solicitor, and a commissioner of public works, each to serve for the term of one year from the first Monday in March next ensuing or until his successor is appointed.

City solicitor and commissioner of public works, appointment, etc.

SECTION 42. The mayor, in January after the first municipal election held under this act, and in January in every third year thereafter, shall appoint, subject to the

Superintendent of the poor, appointment, etc.

confirmation or rejection of the board of aldermen, a superintendent of the poor, to serve for the term of three years from the first Monday in March next ensuing or until his successor is appointed. The superintendent of the poor shall have the powers and perform the duties of overseers of the poor.

Nominations
by mayor.

SECTION 43. When an appointment is to be made by the mayor subject to confirmation or rejection by the board of aldermen, if the person nominated is rejected, the mayor may once renew such nomination ; and if the nomination is rejected again, he shall thereafter make another and different nomination, and if the second person so nominated is rejected, he shall thereafter make another and different nomination ; and if the third person is also rejected, the nominee who has received the largest number of votes for confirmation by the board of aldermen shall be deemed to be appointed to such office, and thereupon shall be sworn and shall enter upon the duties of such office as though confirmed by a majority of the board of aldermen. No nomination by the mayor as herein provided shall be made for the same office within one week of a prior nomination for the same office.

Board of
aldermen to
vote on nomi-
nations within
one week, etc.

Within one week after any nomination is so made the board of aldermen shall vote thereon, and if the board fails so to do, or if there be no votes in the affirmative in any case, then the person first so nominated, or, if two or more persons receive the same and largest number of votes for confirmation, the person first nominated receiving such vote shall be deemed to be appointed to such office and thereupon shall be sworn and shall enter upon the duties of the office as though confirmed by a majority of the board of aldermen.

Certain officers
to be appointed
by mayor, etc.

SECTION 44. It shall be the duty of the mayor to appoint in January of each municipal year all the officers for whose appointment or election no provision is otherwise made herein, and all those for whom provision shall hereafter be made as hereinbefore provided, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the board of aldermen shall by ordinance in any case provide. Every administrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified.

Removal of
certain
administrative
officers.

SECTION 45. Any administrative officer elected by the qualified voters of the city, may be removed by the mayor,

with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient.

SECTION 46. Any administrative officer appointed by the mayor except the officers and members of the police force and the officers and members of the fire department may be removed by the mayor upon charges in writing preferred against him, after a public hearing thereon, at which hearing the officer may appear and be represented by counsel and witnesses may be heard and examined. After such hearing if it appears to the mayor that the public service requires the removal of such officer he shall file an order therefor in the office of the city clerk, stating the grounds for removal, and a copy thereof shall be served upon the officer removed, either personally or at his last or usual place of residence, and the removal shall take effect upon the filing of such order with the city clerk. The city clerk shall keep such order on file and subject to public inspection.

Removal of certain administrative officers.

SECTION 47. The mayor may summon witnesses to attend and testify and produce books and papers at any hearing before him for the removal of any officer whom by law he may remove ; and such witnesses shall be summoned in the same manner, be paid the same fees and be subject to the same penalties for default as witnesses before a police, district or municipal court. The mayor may administer oaths to witnesses at such hearings.

Witnesses may be summoned, etc.

SECTION 48. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business ; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city.

Employment of labor, making of contracts, etc.

SECTION 49. The administrative boards and officers specified in section thirty-eight, and every administrative board and officer hereafter established by the board of aldermen and having charge of a department, shall have the power except as otherwise provided herein, to appoint and employ and to discharge and remove all subordinate

Appointment, removal, etc., of subordinate officers, clerks, etc.

officers, clerks and assistants in their respective departments ; and they shall keep a record, open to public inspection, of all persons so appointed and employed and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

Officers to give certain information upon request.

SECTION 50. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen, appear before it and give such information as it may require, in relation to any matter, act or thing connected with the discharge of the duties of such board or office ; and when requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Administrative officers to be sworn, etc.

SECTION 51. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk ; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Certain officers to give bonds, etc.

SECTION 52. The board of aldermen shall require the city treasurer, collector of taxes, the city auditor, the superintendent of poor, and such other officers as are intrusted with the receipt, care or disbursement of money to give bonds with such security as it shall deem proper, for the faithful discharge of their respective duties.

Commissioner of public works, powers and duties.

SECTION 53. The commissioner of public works shall have the powers of a surveyor of highways and of a tree warden of a town, and shall be the general superintendent of the water works, sewers and other public works, and shall have such other powers and duties as the board of aldermen may by ordinance determine.

Construction and repair of sidewalks, etc.

SECTION 54. The commissioner of public works shall have authority to determine the width and material, including the curbstone, of all sidewalks on the public streets and ways of the city, having due reference to the established grades of said streets and ways ; and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalk by said commissioner, or upon the completion of the reconstruction or repair of any sidewalk, said commissioner shall ascertain, determine and certify to the assessors of taxes the whole expense of such making, reconstruction or repair. If in the opinion of the assessors of taxes any land

receives a benefit or advantage therefrom beyond the general advantage to all land in the city, the assessors shall determine the value of such benefit or advantage to such land, and assess upon the same, unless it be by law exempt from taxation, a proportional share of the cost of such making, reconstruction or repair, whether such land abuts upon such sidewalks or not; but no such assessment shall exceed one half the amount of such adjudged benefit or advantage. The assessors shall have the authority given by law to the selectmen or road commissioners of towns to adjudicate upon the question of damages sustained by an owner of land adjoining such sidewalk, by reason of the construction, reconstruction or repair thereof.

Assessment of betterments, etc.

Damages.

SECTION 55. All assessments so made by said assessors shall constitute a lien on the real estate assessed, for two years from the time of the assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every such assessment shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by the assessors for collection to the collector of taxes. The collector shall forthwith publish said list once each week for three successive weeks in some newspaper published in the city, and shall, on or before the day of last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sales to be conducted in the same manner as sales of land for non-payment of taxes; and in making such sales the collector, the city and its officers, shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes, and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes.

Assessments to constitute a lien, etc.

Collection of assessments, etc.

SECTION 56. Every assessment made by the assessors which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by the assessors for the time being, to the just amount for which and upon the land upon which such assessment ought at first to have

Reassessments may be made in certain cases, etc.

been assessed; and the assessment thus reassessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

FINANCIAL TRANSACTIONS AND DUTIES OF THE AUDITOR.

Auditor to be
comptroller for
city, etc.

SECTION 57. The auditor, in addition to performing such other duties as may be prescribed by law and the ordinances of the board of aldermen, shall be comptroller for the city. The auditor shall once in every two weeks cause a list of all claims and payments which have been presented to him during that time for audit to be printed and numbered, showing the dates and amounts of claims or payments, the nature thereof, and the persons to whom payments have been made or are to be made, and copies thereof shall be distributed to the mayor, to each member of the board of aldermen, to the head of each department and to every taxpayer making demand therefor. He shall make monthly statements in writing to the mayor and the board of aldermen of the financial transactions in his office in such detail as the board of aldermen may require. A list of all bonds issued by the city shall be kept in the auditor's office and shall be open to the inspection of any citizen, and all bonds paid by the treasurer shall be presented to the auditor for cancellation. The auditor shall keep an account between the city and the treasurer and he shall procure monthly from the banks in which the city's funds are deposited a certified statement of the city treasurer's balance, and he shall examine the treasurer's book accounts and ascertain as to their correctness, and report on the same monthly to the board of aldermen. The auditor shall on or before the first Monday in March in each year publish in book or pamphlet form, verified by his oath or affirmation, a full and accurate statement of the financial condition of the city, showing the amounts of receipts and expenditures since the last annual report, the sources from which the funds have been derived, and for what purposes they were expended. Such publication shall be accompanied by a statement in detail in separate columns showing the several funds belonging to the city, the amounts drawn on each fund and its present condition; and showing also the several funded debts and temporary loans of the city, when the same are payable, and the rate of interest of each; and the auditor shall file a copy of

To publish
statement of
financial con-
dition of the
city, etc.

every such statement in the office of the city clerk. The auditor shall permit no money to be drawn or expended for which there is no appropriation or which is in excess of any appropriation.

SECTION 58. All purchases and contracts in behalf of the city shall be made upon or accompanied by orders signed by the officer in authority in the department for which the purchase or contract is made and by the auditor, and if any purchase or contract involves an amount exceeding one hundred dollars, then said order or contract shall also be signed by the mayor.

Purchases and contracts.

SECTION 59. No administrative board or officer shall make purchases or contract any indebtedness in behalf of the city, except on requisitions drawn upon the auditor. Each department shall have books of such requisition blanks, made in duplicate and numbered consecutively, the original to remain in the department book and the duplicate to be transmitted to the city auditor. The auditor, upon receipt of said requisitions, shall draw the orders upon blanks provided therefor; said blanks to be bound in book form, made in duplicate, numbered consecutively and bearing the requisition number thereon. Both the order and requisition shall state the department from which they issue, the appropriation to which the expenditure is to be charged, the person or persons from whom the purchase is to be made, the item or items wanted, amount and price of each, terms and cash discounts. The original order shall remain in the auditor's office and the duplicate shall be transmitted to the person or persons upon whom it is drawn, signed by the officer in authority in the department for which the purchase is made and by the auditor or mayor, or both, as hereinbefore required. No warrant for the payment of orders shall be drawn by the auditor unless the original order and duplicate requisition therefor are on file in the auditor's office, previously filled out and signed as above required, except that no requisition shall be required for the payment of officers' salaries, interest, promissory notes, bonded indebtedness, judgments and state aid.

Requisitions, orders, etc.

SECTION 60. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure

Sums appropriated for a specific purpose not to be expended for any other purpose, etc.

or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year.

SCHOOL COMMITTEE.

School committee, election, terms, etc.

Vacancy, etc.

To appoint one member to attend meetings of board of aldermen, etc.

To appoint a secretary, superintendent of schools, etc.

SECTION 61. The school committee shall consist of the mayor, ex officio, who shall be chairman of the board, and fourteen other persons, inhabitants of the city, of whom two shall be elected by ballot from each ward by the qualified voters in the ward. The present members of the school committee of the city shall continue to hold office for the terms for which they were severally elected, and at each municipal election hereafter held there shall be chosen members to hold the office for the term of three years, as successors of and from the same wards as those whose term of office expires at the expiration of that municipal year. Any vacancy occurring in said committee may be filled for the remainder of the municipal year by the joint ballot of the board of aldermen and the school committee in convention; and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs. The members of the committee shall serve without compensation. The committee shall annually elect one of their number as chairman, to serve in the absence of the mayor. The committee shall annually appoint one of their number to attend the meetings of the board of aldermen, and he shall be entitled to a seat with the board of aldermen and shall have the right to discuss all matters relating to the school committee, but without the right to vote. He shall be notified in the same manner as members of the board of aldermen of all special meetings of said board. Said committee shall annually appoint a secretary, one of their number, who shall be under their direction and control. They shall annually appoint, but not of their own number, a superintendent of schools. The committee shall fix the salaries of such secretary and superintendent and may remove them for sufficient cause.

POLICE DEPARTMENT.

SECTION 62. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a city marshal or chief of police, and such number of other police officers and constables as the board of aldermen shall determine. The chief of police and all other police officers shall hold office during good behavior and until removed by the mayor, with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient. The board of aldermen may require any person who may be appointed a chief of police or constable to give bonds, with such security and to such an amount as it may deem reasonable and proper, for the faithful discharge of the duties of the office, upon which bond like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by ordinance.

Police department.

FIRE DEPARTMENT.

SECTION 63. The board of aldermen may establish a fire department, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook and ladder men and assistants as the board of aldermen by ordinance shall from time to time prescribe; and the board shall have authority to fix the time of their appointment, to define their duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires and the conduct of persons attending fires, as it may deem expedient, and may fix such penalties for violation of any such regulations as are provided for the breach of the ordinances of the city. The mayor shall appoint subject to the confirmation or rejection of the board of aldermen all the officers and members of such department.

Fire department.

SECTION 64. The officers and members of the fire department shall hold office during good behavior and until removed by the mayor, with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient.

Terms of office.

Firewards,
appointment,
etc.

Board or com-
mission may
be appointed,
etc.

SECTION 65. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the officers and members of the department shall be fixed by ordinance. The powers and duties herein conferred and imposed upon the mayor and aldermen in relation to the establishment and maintenance of a fire department may, if the board of aldermen so determine, be exercised and carried into effect wholly or in part through the agency of a board or commission which it may from time to time designate, and with such limitations of power as the board of aldermen may by ordinance direct. The members of any such board or commission shall serve without compensation.

GENERAL PROVISIONS.

Certain officers
to meet with
mayor
monthly, etc.

SECTION 66. The several administrative officers and the chairmen of the several boards shall meet together with the mayor once in each month for consultation upon the affairs of the city. The mayor shall preside at such meetings and such officers shall, whenever called upon by the mayor, furnish such information relative to their respective departments as he may require.

Offices to
become vacant
in certain
cases.

SECTION 67. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city or shall be convicted of a crime punishable by imprisonment.

Compensation
of city officers
to be estab-
lished by
ordinance, etc.

SECTION 68. The board of aldermen shall establish by ordinance the salary or compensation of all city officers, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Certain per-
sons to hold
office until
organization
of city govern-
ment, etc.

SECTION 69. All persons holding office in the city at the time when this act takes effect and becomes of force therein, as herein provided, shall continue to hold such offices until the organization of the city government as hereby authorized shall be effected and until their respective successors shall be chosen and qualified or until the officer or board succeeding to their duties shall be chosen and qualified. Officers and members of the police and fire departments at the time when this act takes effect shall continue to hold their respective offices notwithstanding the acceptance of this act, but subject to its provisions.

Certain per-
sons to con-
tinue in office,
etc.

SECTION 70. All general laws in force in the city of Pittsfield, and all special laws heretofore passed with reference to the city and to the town of Pittsfield and in force in the city at the time of the passage of this act shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are not inconsistent herewith.

Certain laws to continue in force.

SECTION 71. All special laws heretofore passed concerning the fire district in the town of Pittsfield and in force in the city at the time of the passage of this act, so far as the same are not inconsistent herewith, shall continue in force in the city of Pittsfield until altered, amended or repealed.

Certain special laws to continue in force, etc.

SECTION 72. The provisions of this act so far as they are the same as those of chapter three hundred and two of the acts of the year eighteen hundred and ninety-five shall be construed as a continuance of the provisions of said chapter, and the provisions of said chapter not contained herein and of all other acts and parts of acts inconsistent herewith are hereby repealed: *provided*, that such repeal shall not revive a law heretofore repealed or superseded, nor an office heretofore abolished; and *provided*, that such repeal shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced or had in a civil case, before the repeal takes effect; or any liability, penalty or forfeiture incurred.

To be construed as a continuance of 1896, 302, etc.

Provisos.

SECTION 73. The question of the acceptance of this act shall be submitted to the qualified voters of the city of Pittsfield at the annual state election in the present year. The vote shall be taken by ballot in accordance with the provisions of chapter eleven of the Revised Laws and of acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: — Shall an act passed by the general court in the year nineteen hundred and four, entitled “An Act to revise the charter of the city of Pittsfield”, be accepted? and the affirmative votes of a majority voting thereon shall be required for its acceptance. If so accepted so much thereof as relates to elections hereunder shall apply to the annual municipal election which shall be held on the third Tuesday in December in the year nineteen hundred and four, and this act shall take full effect on the first Monday in January next ensuing.

Question of acceptance to be submitted to voters at annual state election, etc.

When to take effect.

If not accepted to be submitted again at annual state election in the year 1906, etc.

SECTION 74. If this act should not be accepted at said annual state election it shall be submitted again in like manner to said voters at the annual state election in the year nineteen hundred and five. If then accepted, so much thereof as relates to elections hereunder shall apply to the annual municipal election which shall be held on the third Tuesday in December in the year nineteen hundred and five, and this act shall take full effect on the first Monday in January next ensuing.

When to take effect.

SECTION 75. So much of this act as authorizes its submission to the legal voters of the city shall take effect upon its passage, but it shall not take further effect unless accepted as herein prescribed. *Approved May 31, 1904.*

Chap. 390 AN ACT TO INCORPORATE THE ROMAN CATHOLIC BISHOP OF FALL RIVER AND HIS SUCCESSORS A CORPORATION SOLE, TO HOLD AND MANAGE CERTAIN PROPERTY FOR RELIGIOUS AND CHARITABLE PURPOSES.

Be it enacted, etc., as follows:

The Roman Catholic Bishop of Fall River incorporated.

SECTION 1. The present Roman Catholic bishop of the diocese of Fall River and his successors in office are hereby made a body politic and corporation sole, under the name of the Roman Catholic Bishop of Fall River, and by that name the said bishop and his successors in office shall be known, and shall hereafter have succession, with all the powers, rights and privileges conferred, and subject to all the liabilities and limitations imposed, by the Revised Laws. In the event of a vacancy in the office of bishop, owing to the death of an incumbent, or in case any bishop in said office becomes incapacitated from performing his duties therein, then the person regularly appointed administrator of said diocese shall, while his appointment as such administrator continues, have the powers and perform the duties conferred or imposed by this act upon the Roman Catholic bishop of said diocese; but no person shall succeed to, or have, enjoy or administer any of the rights, privileges, powers or franchises herein granted or provided for, who is not a citizen of the United States of America.

Vacancy, etc.

Successors, etc., to be citizens of the United States.

May take and hold real and personal estate, etc.

SECTION 2. The said corporation is empowered to take, by sale, gift, lease, devise or otherwise, and to hold, real and personal estate of every description, for religious, charitable and burial purposes, and to manage and dispose of the same for the religious and charitable purposes of the

Roman Catholic church, subject to the laws of the Commonwealth and to the terms of any trust set forth in any bequest, devise, deed or conveyance of any such estate, or which may now exist or result by implication or force of law, with such limitations as may by law govern any such trust, with full power, subject to the laws of the Commonwealth and to the terms of such trusts, to convey such estate by deed of mortgage for the payment of money as well as by deed absolute: *provided*, that no bequest, devise, gift or transfer *inter vivos* intended to take effect after death, made to such corporation in trust, for any use or purpose, shall be exempt from liability to collateral inheritance tax under the laws of this Commonwealth, unless such bequest, devise, gift or transfer would be so exempt if made to the said bishop as an individual and not as a corporation upon the said trust. Proviso.

SECTION 3. The present Roman Catholic bishop of Fall River shall, within six months after the passage of this act, make, sign and swear to a statement which he shall submit to the commissioner of corporations, setting forth that he lawfully and regularly holds the office of Roman Catholic bishop of Fall River, and that he accepts the provisions of this act and will duly conform to them. If it appears that the statement has been duly made, signed and sworn to, the commissioner shall certify that fact and his approval of the statement by his endorsement thereon. Such statement shall thereupon be filed by the person making the same, in the office of the secretary of the Commonwealth, who shall cause the statement, with the endorsement thereon, to be recorded, and shall thereupon issue a certificate to the person making the statement, reciting this act, the substance of the statement aforesaid, and that said Roman Catholic bishop of Fall River and his successors are legally established as an existing corporation under the name of the Roman Catholic Bishop of Fall River, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence, with like effect as the original certificate. Statement to be submitted to commissioner of corporations.

To be filed with secretary of the Commonwealth, etc.

Every successor, etc., to file statement with secretary of the Commonwealth, etc.

SECTION 4. Every successor in the office of bishop of Fall River, and every person duly appointed to administer the office for any cause, shall forthwith make, sign and swear to a statement, which he shall immediately file in the office of the secretary of the Commonwealth, setting forth that he is a citizen of the United States, that at the time of making such statement he lawfully and regularly held the office of bishop of Fall River, or the office of administrator of the diocese thereof, as the case may be, and that he has accepted said office and has entered upon the duties thereof; and, in addition thereto, he shall submit to the secretary of the Commonwealth his letter of appointment in evidence of his being bishop.

To be subject to certain provisions of law.

SECTION 5. The corporation shall be subject to all laws of this Commonwealth regulating corporations established for religious and charitable purposes, requiring them to make annual and other returns to the commissioner of corporations concerning their condition and affairs.

SECTION 6. This act shall take effect upon its passage.

Approved June 1, 1904.

Chap. 391

AN ACT TO PROVIDE FOR THE ABOLITION OF THE RAILROAD GRADE CROSSING AT ESSEX STREET IN WARD TWENTY-FIVE OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The Cambridge bridge commission to construct a new bridge, etc.

SECTION 1. The Cambridge bridge commission, appointed under the provisions of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight, shall abolish the grade crossing of Essex street and the Boston and Albany railroad in ward twenty-five of the city of Boston by building a new bridge, to be known as the Brookline Street bridge, over the tracks of the railroad and Charles river, substantially upon the site of Essex street in Boston, Brookline street in the city of Cambridge, and of the present bridge, and may, during the construction of the new bridge and approaches, maintain the present bridge, or make and maintain a temporary bridge, for the use of persons and vehicles. No compensation shall be required for the occupation of any lands or flats of the Commonwealth, or for any displacement of tide water, in carrying out the above provisions. The new bridge may be without a draw and shall be of a height

Construction.

above the river and of a width of central span not less than shall be approved by the board of harbor and land commissioners, and of a height above the railroad tracks not less than that approved by the board of railroad commissioners.

SECTION 2. The new bridge and its approaches, from Commonwealth avenue in Boston to Granite street in Cambridge, shall be laid out as a highway of such width not exceeding seventy feet and of such grade as shall be designated by the commission in its certificate filed in the registry of deeds in Boston and in the registry of deeds in Cambridge, shall be suitable for ordinary travel and for street railway use, and the Boston Elevated Railway Company shall have a location and may construct, maintain and use such surface railway tracks therein, subject to the provisions of law now or hereafter in force relating to said company.

To be laid out as a highway, etc.

The Boston Elevated Railway Company to have a location, etc.

SECTION 3. The commission shall define the limits of the approaches on the Cambridge side, and the city of Cambridge may lay out, and, if so laid out, its city engineer acting for the city shall construct, said approaches, and the city shall pay the expenses of such construction and the damages to property caused by the laying out, widening and construction of said approaches.

Construction, etc., of approaches on Cambridge side.

SECTION 4. The filing of the certificate aforesaid shall constitute the laying out of the bridge and approaches on the Boston side as a highway, and the city engineer of Boston acting for the city shall construct the same, and the city shall pay all the expenses of carrying out the provisions of this act except the expenses to be paid by the city of Cambridge as aforesaid; and there shall be paid to the city of Boston by the Boston and Albany Railroad Company fifty thousand dollars, by the Commonwealth twenty thousand dollars, and by the Boston Elevated Railway Company seven thousand five hundred dollars.

Construction, etc., of bridge and approaches on Boston side.

Certain amounts to be paid to city of Boston.

SECTION 5. The provisions of chapter one hundred and eleven of the Revised Laws, and of section nine and sections eleven to fifteen inclusive of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight and of acts in amendment of or in addition to said chapters, or either of them, shall, so far as they may be applicable and not inconsistent with the provisions of this act, apply to this act and to all things done thereunder.

Certain provisions of law to apply.

To supersede,
etc., proceed-
ings hitherto
had, etc.

SECTION 6. This act shall supersede and render void all proceedings hitherto had and taken relative to the abolition of said grade crossing and shall take effect upon its passage.

Approved June 1, 1904.

Chap. 392 AN ACT TO AUTHORIZE THE CONSOLIDATION OF TWO OR MORE CO-OPERATIVE BANKS DOING BUSINESS IN THE SAME CITY OR TOWN.

Be it enacted, etc., as follows:

Special meet-
ings to be
called of mem-
bers of co-
operative
banks desiring
to consolidate,
etc.

SECTION 1. If two or more co-operative banks doing business in the same city or town desire to consolidate, a special meeting of the members of each of said banks shall be called, and notice of such special meeting and of the business to come before it shall be sent by the secretary to each member by mail, postage prepaid, at least seven days before the date of said meeting; also by advertising three times in one or more newspapers published in that city or town, and if there be none such, then in a newspaper published in the county in which such city or town is located, the last publication to be at least one day before the said meeting; and if two thirds or more of the members of each of the banks intending to consolidate signify in writing their approval of the consolidation, and if two thirds or more of the members of each of said banks present and voting at such special meeting vote in favor of the consolidation, then the board of directors of each bank shall forthwith petition the board of commissioners of savings banks for authority to consolidate in accordance with the following provisions.

Directors to
petition com-
missioners of
savings banks
for authority
to consolidate.

Form of peti-
tion, etc.

SECTION 2. The said petition shall be in writing, signed for and in behalf of the board of directors of each bank by the president, secretary and treasurer of the bank, and shall have annexed thereto an affidavit signed and sworn to by the secretary stating that the notices of the special meeting have been duly given and that the requirements of section one of this act have been complied with, and the affidavit shall be prima facie evidence that the provisions of the preceding section have been complied with. There shall also be annexed to the said petition a duly attested copy of the records of the meeting of the members of each bank authorizing such action, signed by the secretary, and a duly attested copy of the balance sheet of each

bank at the close of business on the last day of the month previous to the date of the petition, signed by the treasurer.

SECTION 3. The board of commissioners of savings banks shall at once select a competent auditor or auditors, who shall make a thorough audit of the books and assets of each bank, which shall include the calling in and comparing of the members' pass books with the records of each bank. The auditor or auditors shall submit a written report of his or their findings to the board; and the expenses of such audit, provided the consolidation is not finally approved by the board of commissioners of savings banks, shall be borne by the petitioning banks pro rata to their dues capital, but if the consolidation is approved and carried out the continuing bank shall bear the expense of the audit, legal services and other charges, authorized and incident to the proposed consolidation.

Books and assets of banks to be audited, etc.

SECTION 4. If the said reports disclose to the board of commissioners of savings banks a condition favorable to consolidation, the order for consolidation may be issued with instructions in detail as follows: —

Order of consolidation may be issued.

(a) The assets of each bank shall be turned over to the continuing bank as soon as the order for consolidation is issued by the board of commissioners of savings banks, and the continuing bank shall thereupon assume all liabilities accrued on account of the outstanding shares issued by the bank or banks the assets of which are so taken over, and shall be subject to all the liabilities of the said bank or banks except as otherwise specifically provided herein, and all business thereafter shall be done under the title of the continuing bank except as otherwise provided in section seven of this act.

Instructions.

(b) No more shares shall be sold by the bank or banks that are taken over, but during the life of the series of shares already issued by said bank or banks, and outstanding, separate accounts shall be kept and the monthly payments shall be due and payable under the same conditions as though said bank or banks had not ceased to do business as a separate corporation.

SECTION 5. All liabilities of the consolidated banks for current expenses shall be adjusted and paid by each bank before the consolidation is finally approved by the board of commissioners of savings banks, and a certificate to that

Liabilities for current expenses to be adjusted, etc., before consolidation is approved, etc.

effect from each bank, signed and sworn to by its president, treasurer and a majority of its directors, shall be filed with said board and shall be prima facie evidence that such liabilities have been discharged in full.

Offices of banks whose assets and business are taken over to be abolished, etc.

SECTION 6. At the time of, and upon final approval of, the consolidation, all the offices of the bank or banks whose assets and business are taken over by the continuing bank shall forthwith become vacant and be abolished, and the continuing bank, its officers, by-laws and rules for doing business, shall govern and control in all matters relating to the banks consolidated.

Adoption of name.

SECTION 7. A new name or the name of any one of the petitioning banks may be adopted as the name of the continuing bank at the special meeting called as provided in section one of this act; and if such proposed name is set forth in the petition to the board of commissioners of savings banks and is approved by said board it shall become the name of the continuing bank upon the final approval of the consolidation without further acts or requirements under the laws of the Commonwealth as to change or adoption of a new name on the part of the continuing bank.

SECTION 8. This act shall take effect upon its passage.

Approved June 2, 1904.

Chap. 393 AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO IMPROVE THE CHANNEL OF GREEN HARBOR RIVER.

Be it enacted, etc., as follows:

Green Harbor river to be dredged.

SECTION 1. The board of harbor and land commissioners is hereby directed to dredge the Green Harbor river, within and without the harbor lines in its discretion, to such depth as the board may determine to be needful. Any damages caused thereby may be recovered from the Commonwealth in an action of contract by the owner or owners of the land so dredged.

Damages.

Certain sum may be expended.

SECTION 2. Said board is hereby authorized to expend for the purposes of this act a sum not exceeding ten thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1904.

AN ACT TO AUTHORIZE THE TOWN OF BOXFORD TO LAY OUT SPECIAL TOWN WAYS FOR THE USE OF STREET RAILWAY COMPANIES. Chap. 394

Be it enacted, etc., as follows :

SECTION 1. The town of Boxford may lay out special town ways for railways operated by any motive power except steam. Such ways may cross highways and town ways, at grade or otherwise, and shall be laid out, altered and discontinued in the manner provided by law in the case of town ways, except that the selectmen shall exercise the powers conferred on the road commissioners, if any are chosen by the town, and that there shall be no appeal to the county commissioners; and the rights and remedies of all persons interested shall be the same, so far as they may be applicable, as those provided in the case of town ways. There may be included in such ways land necessary or convenient for approaches, and for buildings or other structures used in the operation of such railways.

Town of Boxford may lay out special town ways for certain railways, etc.

SECTION 2. The selectmen of the said town may grant locations in such ways to street railway companies, subject to the terms, conditions and obligations authorized by law in the case of grants of locations to street railway companies in public streets, and may require any company to which a location is granted to pay for the same such amounts and in such manner as the railroad commissioners shall approve; or the selectmen may, in the name and behalf of the town, lease any such way to one or more street railway companies for a period not exceeding ninety-nine years in any one case, subject to such terms, conditions and obligations as may be agreed upon by the parties and approved by the railroad commissioners, and by vote of the town. In granting any location or making any lease the selectmen may require of the company receiving the same, security to the town by bond or otherwise that the company will perform and observe the terms, conditions and obligations imposed by such grant or provided for in such lease. Any street railway company organized under general or special law and having authority to operate a street railway in the town of Boxford may, if it obtains a location or lease as above provided, construct, maintain and operate its road over such special town ways.

Selectmen may grant locations in or lease special town ways, etc.

Security may be required of company, etc.

The town shall be under no obligation to perform any work of construction, but may do such work as it deems expedient.

Purpose for which special town ways may be used, etc.

SECTION 3. Such special town ways shall be used only for the purpose stated in the first section, except that drains, pipes, tubes and conduits, for water, gas, electric wires, and other like objects, and poles for wires and cables, may be laid, constructed and maintained therein as in the public streets. Town ways and highways may be laid out, altered or located anew across any special town way at grade or otherwise. The said town shall not be liable for any defect in a special town way, nor obliged to keep the same in repair.

Crossings may be established or abolished in certain cases.

SECTION 4. When any person is cut off by a special town way from access to land owned by such person the selectmen shall, after due notice to the parties in interest and a hearing, establish a crossing, and shall make from time to time all reasonable orders as to the construction, maintenance and use thereof, and shall apportion the expense of construction, and from time to time the expense of maintenance, between such person, the town, and the street railway companies using the way, as justice may require. Any such crossing, if it has become unnecessary or inconvenient, may be abolished by the selectmen after due notice to the parties in interest and a hearing; but no crossing shall be abolished against the consent of a person who would thereby be cut off from access to his lands, until another crossing established in the manner herein provided is substituted therefor. Any person aggrieved by any action or failure to act on the part of the selectmen in relation to such crossing may appeal to the railroad commissioners by petition filed within one month after the action complained of, or within three months after application is first made to the selectmen if they have failed for two months to take final action thereon; and the railroad commissioners, after due notice to the parties in interest and a hearing, shall make such order as the selectmen might have made. The superior court sitting in equity shall have jurisdiction to enforce any order made by the selectmen or railroad commissioners as above provided.

Persons aggrieved may appeal to railroad commissioners, etc.

Enforcement of orders.

SECTION 5. This act shall take effect upon its passage.

Approved June 2, 1904.

AN ACT RELATIVE TO THE CARE OF PERSONS INFECTED WITH DISEASES DANGEROUS TO THE PUBLIC HEALTH. *Chap.395*

Be it enacted, etc., as follows:

SECTION 1. The state board of charity may, if found expedient, remove any person who is infected with a disease dangerous to the public health, and who is maintained or liable to be maintained by the Commonwealth, to any hospital provided for state paupers, or may provide such place of reception for such person as is judged best for his accommodation and the safety of the public, which place shall be subject to the regulations of the board, and may remove such person thereto.

Care of certain persons infected with diseases dangerous to the public health.

SECTION 2. Any expenses incurred in carrying out the provisions of this act may be paid from the annual appropriation for expenses in connection with smallpox and other diseases dangerous to the public health.

Payment of expenses.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1904.

AN ACT TO PROHIBIT THE PLACING OF EXPLOSIVES ON THE TRACKS OF STREET RAILWAY COMPANIES. *Chap.396*

Be it enacted, etc., as follows:

Chapter two hundred and eight of the Revised Laws is hereby amended by striking out section eighty-six and inserting in place thereof the following:— *Section 86.* Whoever wilfully, intentionally and without right throws into, against or upon, or puts, places or explodes or causes to be exploded in, upon or near a dwelling house, office, shop, building, street railway, street railway car, or vessel, gunpowder or other explosive, or a bombshell, torpedo or other instrument filled or loaded with an explosive, with intent unlawfully to destroy or injure such dwelling house, office, shop, building, street railway, street railway car, or vessel, or any person or property therein or thereon, shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than five years, or by a fine of not more than five hundred dollars.

R. L. 208, § 86, amended.

Penalty for throwing explosives into buildings or placing on railways, etc.

Approved June 2, 1904.

Chap.397 AN ACT TO EXTEND THE PROVISIONS OF THE FIFTY-EIGHT HOUR LAW SO AS TO INCLUDE THE MONTH OF DECEMBER.

Be it enacted, etc., as follows:

R. L. 106, § 23,
amended.

Employment
of children and
women in
mercantile
establish-
ments.

The first sentence of section twenty-three of chapter one hundred and six of the Revised Laws is hereby amended by striking out all after the word "week", in the third line, to and including the word "retail", in the fifth line, so that the sentence will read as follows: — *Section 23.* No child under eighteen years of age and no woman shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week.

Approved June 2, 1904.

Chap.398 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER THE CONNECTICUT RIVER BETWEEN THE CITY OF CHICOPEE AND THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

New bridge to
be constructed
over the Con-
necticut river
between
Chicopee and
West Spring-
field.

Construction,
etc.

Payment of
costs and
expenses.

SECTION 1. Subject to the provisions of chapter ninety-six of the Revised Laws and of all amendments thereof, and of all other general laws which may be applicable, the county commissioners of the county of Hampden are hereby authorized and directed, within two years after the first day of January in the year nineteen hundred and four, to construct a new bridge with suitable approaches, over the Connecticut river, connecting Exchange street in Chicopee with Wayside avenue in West Springfield, in place of the one destroyed by fire on the twelfth day of November, nineteen hundred and three. Said bridge shall be of such width, grade, material and construction as said county commissioners, with the approval of the board of harbor and land commissioners, shall deem reasonably necessary and proper.

SECTION 2. The costs and expenses incurred hereunder shall not exceed the sum of one hundred and fifty thousand dollars, and shall in the first instance be paid by the county of Hampden; and the county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for such cost and expenses. All money so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered

by said county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

SECTION 3. When the bridge and approaches are completed and the full cost and expense of the same ascertained, said county commissioners shall report the fact to the superior court for the county of Hampden, setting forth in detail the cost and expense thereof, including interest on money borrowed therefor; and upon the application of said county commissioners or of any party in interest, and after such notice as the court may order, and a hearing, the court shall assess said cost, expenses, and interest upon the following parties and in the following proportions, to wit: — On the county of Hampden, thirty-five one hundredths; on the city of Chicopee, forty-five one hundredths; and on the town of West Springfield, twenty one hundredths; and the court shall order the sums so assessed to be paid into the county treasury in such time as the court may order, and shall make such order in reference to the proportion assessed on said county as may be just and proper.

Apportionment of expense, etc.

SECTION 4. Said county commissioners shall estimate and determine all damages that may be sustained by any person or corporation by reason of the construction of said bridge and its approaches, as aforesaid; and any person or corporation aggrieved by their determination may have his or its damages assessed by a jury in the same manner as is provided by law with respect to damages sustained by reason of the laying out of highways.

Damages.

SECTION 5. When the bridge is completed it shall be maintained and kept in repair and safe and convenient for travel by the city of Chicopee and the town of West Springfield jointly, and the expense thereof shall be borne as follows, to wit: — Two thirds by the city of Chicopee, and one third by the town of West Springfield. Liability for defects in said bridge and its approaches and abutments, after it is completed, shall exist on the part of said city and the said town in the proportion of two thirds upon the said city and one third upon the said town.

Care and maintenance of bridge, etc.

SECTION 6. Said bridge may be constructed without any draw, provided the harbor and land commissioners and the federal government consent thereto. But if at any time after the completion of the bridge the construction of a draw shall be required by the proper authorities, then such draw

Bridge may be constructed without draw, etc.

shall be constructed by said county commissioners, and the cost of constructing the same shall be borne by the same parties and in the same proportions as herein provided for payment of the cost of construction of the bridge, and the same proceedings may be had in the superior court in relation thereto.

SECTION 7. This act shall take effect upon its passage.

Approved June 2, 1904.

Chap.399 AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE STATE BOARD OF CONCILIATION AND ARBITRATION.

Be it enacted, etc., as follows :

SALARIES OF
MEMBERS OF
STATE BOARD OF
CONCILIATION
AND ARBITRA-
TION ESTAB-
LISHED, ETC.

SECTION 1. Each member of the state board of conciliation and arbitration shall receive a salary at the rate of twenty-five hundred dollars a year and his necessary travelling and other expenses, which shall be paid by the Commonwealth. The board may allow its secretary a salary of not more than fifteen hundred dollars a year.

Repeal.

SECTION 2. So much of section one of chapter one hundred and six of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1904.

Chap.400 AN ACT RELATIVE TO THE BOSTON LIMITED PARTNERSHIP COMPANY.

Be it enacted, etc., as follows :

CHARTER, ETC.,
OF BOSTON
LIMITED PART-
NERSHIP COM-
PANY TO
REMAIN IN
FORCE, ETC.

SECTION 1. Chapter one hundred and seventy-seven of the acts of the current year, being "An Act to dissolve certain corporations", in so far as it applies to or affects the Boston Limited Partnership Company, is hereby repealed; and the charter, organization and other acts of said corporation shall remain of the same force and effect as at the time of the passage of the said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1904.

Chap.401 AN ACT RELATIVE TO THE DUTIES OF THE JUDGES OF PROBATE AND INSOLVENCY.

Be it enacted, etc., as follows :

R. L. 164, § 5,
amended.

SECTION 1. Section five of chapter one hundred and sixty-four of the Revised Laws is hereby amended by strik-

ing out the words "or fails from any cause", in the first and second lines, and by inserting after the word "them", in the second line, the words: — from sickness or interest, — so as to read as follows: — *Section 5.* If a judge of probate and insolvency is unable to perform his duties, or any part of them, from sickness or interest, or if, in his opinion, the court requires the assistance of another judge, or if there is a vacancy in the office of judge of probate and insolvency, his duties, or such of them as he may request, shall be performed in the same county by the judge of probate and insolvency of any other county who may be designated by the judge, or, in case of his failure so to designate, who may be designated by the register of probate and insolvency from time to time as may be necessary; but, unless objection is made by an interested party before the decree is made, any case may be heard and determined out of said county in the performance of such duties by such other judge, who may send his decree to the registry of probate for the county in which the case is pending. Two or more simultaneous sessions of the court may be held, the fact being so stated upon the record.

Judge of probate and insolvency may be assisted by judge of another county in certain cases, etc.

SECTION 2. Section seven of said chapter one hundred and sixty-four is hereby amended by striking out all after the word "duties", in the fifth line, so as to read as follows: — *Section 7.* The judge who performs any duty under the provisions of section five shall, except as provided in the following section, receive from the Commonwealth, in addition to the amount otherwise allowed to him by law, fifteen dollars for each day that he performs such duties.

R. L. 164, § 7, amended.

Compensation.

Approved June 2, 1904.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PENSION MEMBERS OF ITS POLICE SIGNAL SERVICE.

Chap. 402

Be it enacted, etc., as follows:

SECTION 1. All provisions of law relative to the pensioning of members of the police department of the city of Boston shall hereafter apply to members of the police signal service of that city.

Members of police signal service of Boston to be pensioned.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved June 3, 1904.

Chap. 403 AN ACT TO IMPOSE AN EXCISE TAX ON THE BUSINESS OF SELLING, GIVING OR DELIVERING TRADING STAMPS, CHECKS, COUPONS OR SIMILAR DEVICES IN CONNECTION WITH THE SALE OF ARTICLES.

Be it enacted, etc., as follows:

Persons, firms and corporations giving, etc., trading stamps, etc., to pay an excise tax.

SECTION 1. Every person, firm or corporation selling, giving or delivering trading stamps, checks, coupons or similar devices, in connection with the sale of articles, entitling the holders to receive articles other than the articles so sold, shall pay an excise tax for carrying on such business, equivalent to three per cent of the gross receipts by such person, firm or corporation from the sale of the articles so sold and from the trading stamps, checks, coupons or similar devices sold, given or delivered in connection therewith.

To make a sworn return semi-annually.

SECTION 2. Every person, firm or corporation carrying on the business specified in section one shall on the first day of January and on the first day of July in each year after the year nineteen hundred and four make a return in writing under oath to the treasurer of the city or town in which such business is carried on, stating the number of trading stamps, checks, coupons, or similar devices sold, given or delivered, in connection with the sale of articles, and the gross receipts from the sale of such articles and from such stamps, checks, coupons, or similar devices, sold, given or delivered in connection therewith, during the last preceding six months. Thereupon the treasurer of such city or town shall compute the amount of the tax due from such person, firm or corporation, and shall issue his warrant for the collection thereof to the collector of taxes of such city or town, who shall collect the same, for the use of such city or town, in the manner and upon the terms and conditions and in the exercise of the powers and duties, so far as they may be applicable, prescribed by chapter thirteen of the Revised Laws relative to the collection of taxes.

Collection of tax.

Penalties.

SECTION 3. Whoever omits to make and file the return required by the preceding section shall forfeit not less than five nor more than ten dollars for each day for fifteen days after the day upon which said return is by the preceding section required to be made, and not less than ten nor more than two hundred dollars for each day thereafter, during which such omission continues; and whoever

under oath knowingly makes a false statement in such return shall be deemed guilty of perjury.

SECTION 4. This act shall take effect on the first day of December in the year nineteen hundred and four.

To take effect
December 1,
1904.

Approved June 3, 1904.

AN ACT RELATIVE TO THE NOMINATION AND ELECTION OF ALDERMEN IN THE CITY OF BOSTON.

Chap. 404

Be it enacted, etc., as follows:

SECTION 1. In Boston there shall be elected at the city election in the year nineteen hundred and four, and annually thereafter, from the voters of that city, thirteen aldermen at large.

Election of
aldermen in
city of Boston.

SECTION 2. No voter shall vote for more than seven aldermen, and the thirteen aldermen receiving the highest number of votes shall be declared elected.

No voter to
vote for more
than seven, etc.

SECTION 3. In case a vacancy shall occur in the board of aldermen, from failure to elect, death, resignation or otherwise, an election to fill the vacancy shall be held on such day as shall be determined by the remaining members of the board, and the same proceedings shall be had as are herein provided for at an annual election.

Vacancy.

SECTION 4. The city of Boston is hereby divided, for the purpose of nominating candidates for aldermen by a political party, into eleven districts, as follows: —

City divided
into eleven
districts for
nomination of
candidates,
etc.

The first district shall consist of wards one and two, and one candidate shall be nominated therein.

The second district shall consist of wards three, four and five, and one candidate shall be nominated therein.

The third district shall consist of wards seven and eleven, and one candidate shall be nominated therein.

The fourth district shall consist of wards six and eight, and one candidate shall be nominated therein.

The fifth district shall consist of wards nine and ten, and one candidate shall be nominated therein.

The sixth district shall consist of wards eighteen and twenty-one, and one candidate shall be nominated therein.

The seventh district shall consist of wards thirteen, fourteen and fifteen, and two candidates shall be nominated therein.

The eighth district shall consist of wards sixteen, twenty and twenty-four, and two candidates shall be nominated therein.

The ninth district shall consist of wards twelve and seventeen, and one candidate shall be nominated therein.

The tenth district shall consist of wards nineteen and twenty-five, and one candidate shall be nominated therein.

The eleventh district shall consist of wards twenty-two and twenty-three, and one candidate shall be nominated therein.

Every candidate so nominated shall be a voter of the district from which he is nominated.

Nomination of candidates.

SECTION 5. Every political party making nominations of candidates for aldermen in said city shall nominate thirteen candidates, as above provided. Every nomination of a candidate by a political party shall be made by direct plurality vote at party primaries held in the several precincts of the wards in the district in which the candidate or candidates are to be nominated, and the name of the person who in the aggregate of all the votes cast in such primaries in a district receives the greatest number of votes shall have his name placed on the election ballot as a candidate of the party for alderman, except that in the seventh and eighth districts the person receiving the greatest number of such votes and the person receiving the next greatest number shall have their names so placed.

Nomination to fill vacancies caused by death, withdrawal, etc.

SECTION 6. In case of a failure to nominate in any district by reason of a tie vote, or of the death, withdrawal or ineligibility of any candidate nominated as aforesaid, the chairman and secretary of the city committee of the party holding the primary shall forthwith call together in convention the members of the ward committees in the wards comprising such district. Said chairman and secretary shall act as chairman and secretary, respectively, of the convention, but shall have no right to vote by virtue of their offices. The secretary shall call the roll of the convention, and each member shall rise and announce for whom he votes. The candidate receiving a majority of all the votes so cast shall be declared the candidate of the party from that district, and the chairman and secretary of the convention shall forthwith certify the fact to the election commissioners, who shall place his name upon the election ballot.

Nomination papers of candidates to be voted for at primaries, number of signatures.

SECTION 7. Nomination by nomination papers of a candidate to be voted for at such primaries shall be made only by nomination papers containing the signatures in the aggregate of not less than five voters of each ward in the

district from which the nomination is to be made, who shall be members of the party holding the primary.

SECTION 8. Nomination by nomination papers of a candidate for alderman to be voted for at an election shall be made only by such papers containing the signatures of at least one voter for every one hundred votes cast for governor at the preceding annual state election in said city, and in no case of less than fifty voters.

Nomination papers of candidates to be voted for at an election, number of signatures.

SECTION 9. The ballots cast at such primaries and the returns for the candidates voted for thereat shall be returned to the election commissioners as ballots and returns of elections in said city are returned, and the commissioners shall have the same power and perform the same duties in determining the results of such primaries as in determining the results of elections in the several precincts of the city. The commissioners shall place on the election ballot the names of all candidates nominated as aforesaid. All provisions of law relative to political conventions, nominations, primaries and elections, and to the votes cast thereat, applicable to and not inconsistent with this act, shall apply to the conventions, nominations, primaries and elections herein provided for.

Ballots and returns of primaries.

Certain provisions of law to apply.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 11. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT TO PROVIDE FOR AN ARMORY IN THE CITY OF BOSTON FOR THE COMPANIES OF THE NAVAL BRIGADE OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 405

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized to lease to the city of Boston at an annual rental of one dollar for a term not exceeding twenty-five years, to be used for an armory as hereinafter described, a parcel of land belonging to the Commonwealth and being part of the Commonwealth Flats, so-called, in that part of the city known as South Boston, and bounded and described as follows, to wit: — Southerly by the face of the sea wall on the northerly side of the reserved channel; northerly by a line parallel with and one hundred and fifty feet northerly from said line of sea wall; westerly by the roadway leading to the lot leased

Certain land belonging to the Commonwealth may be leased to city of Boston for an armory, etc.

to the Boston Molasses Company, as the same now is or may hereafter be laid out by the harbor and land commissioners; easterly by a line at right angles to the line of said sea wall at a point four hundred feet easterly from the intersection of the line of said sea wall with the northerly line of Summer street; together with the water rights in common with others in the reserved channel. Said parcel of land and water rights shall be available for the mooring and storing of boats and for other military purposes by the companies of the naval brigade from the date of this act.

Armory commissioners to erect a building, etc.

SECTION 2. As soon as the land above described has been leased to the city of Boston, the armory commissioners, upon the acceptance of this act as hereinafter provided, shall erect thereon a suitable building for an armory sufficient for four companies of the naval brigade and for such other detachments of the militia and for such militia headquarters in that city as they deem necessary, and containing the necessary rooms for drilling and for the care of state property. The provisions of sections one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten and one hundred and eleven of chapter sixteen of the Revised Laws, exclusive of lines twenty-three to twenty-five inclusive of said section one hundred and seven, shall apply to all proceedings hereunder.

Certain provisions of law to apply.

No expense to be incurred until act is accepted, etc.

SECTION 3. No expense shall be incurred on account of said armory until this act has been accepted as hereinafter provided, nor until the city council of the city of Boston has designated the amount of the loan necessary for erecting the armory.

When to take effect.

SECTION 4. So far as to authorize the leasing of said parcel of land to the city of Boston this act shall take effect upon its passage, but it shall not further take effect until it has been accepted by the city council of the city of Boston.

Approved June 3, 1904.

Chap. 406 AN ACT TO PROVIDE FOR THE IMPROVEMENT OF SPOT POND BROOK BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

The metropolitan water and sewerage board to improve Spot

SECTION 1. The metropolitan water and sewerage board shall improve or change the channel of Spot Pond brook between Spot pond in the town of Stoneham and tide water

in the city of Malden substantially in accordance with the plans and recommendations of the board contained in its report to the general court of nineteen hundred and three, being house document number one thousand and eighty-seven of that year.

Pond brook,
etc.

SECTION 2. The board, for the purpose aforesaid, may from time to time take, in fee or otherwise, by purchase or otherwise, for the Commonwealth or for the city of Malden or for the city of Melrose, as the board shall determine, lands, easements, rights and other property, and, in order to take any property by right of eminent domain, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated a description thereof as certain as is required in a common conveyance of land ; the recording shall constitute the taking.

May take
lands, ease-
ments, etc.

SECTION 3. Any person whose property is injured by the taking, or by changing the channel of said brook, altering its course, or diverting the waters thereof or increasing or diminishing the daily flow of said waters, may have compensation therefor as determined by agreement with the board, and if the parties cannot agree upon the damages, they may be determined by a jury of the superior court for the county in which the property is situated under the provisions, so far as they may be applicable, of chapter forty-eight of the Revised Laws, upon petition therefor by the board or person filed in the clerk's office of the court within one year after the taking, changing or altering, and the petitioner shall have judgment for the amount determined, with interest on the excess of the amount over the award of the board and costs if the amount is greater than the award of the board ; otherwise the petitioner shall recover no interest and shall pay costs.

Damages.

SECTION 4. Any justice of the supreme judicial court sitting in equity for the county of Suffolk, on application of the metropolitan water and sewerage board or of the city of Malden or of the city of Melrose, within three months after the passage of this act, shall, after such notice as the court shall order, appoint three commissioners, and may appoint a new commissioner on the occurring of any vacancy. The commissioners, after such notice as they shall deem proper, shall hear the parties and make award of the proportion in which the expenses of carrying out this act shall be paid by the metropolitan

Commissioners
to be
appointed,
powers and
duties.

water district, the city of Malden, and the city of Melrose. The commissioners shall take into consideration in making their award the responsibility of said parties in connection with the present condition of said brook and the waters thereof, their rights in, to and over said brook and the waters thereof, their rights in, to and over said Spot pond, its waters and watershed so far as they relate to said brook, and the benefits which will accrue to said parties from the proposed improvements; and shall make their award on these bases and return it into court with a statement of the questions of law raised by either party and the findings of the commissioners thereon.

Findings and
award, etc.

SECTION 5. Any justice of the said court sitting in equity for the county of Suffolk may accept the findings and award, and either party may except thereto; or the justice may report the case with such of said questions of law as either party may request to the supreme judicial court of the Commonwealth. Said court may determine the questions submitted and accept the award, or may amend and accept the award, or may remand the award to the commissioners for further hearing, report and acceptance, in accordance with said determination: *provided, however*, that if the city of Malden by vote of its city council, or the city of Melrose by vote of its city council, or the metropolitan water and sewerage board, shall, within four months after the acceptance of the award, file with the court objection to carrying on the work, it shall not be begun until the objection be withdrawn, but if no such objection be filed, or be filed and withdrawn within one year thereafter, the clerk of the court shall notify the parties thereof, and the work shall thereupon proceed as hereinbefore provided. The metropolitan water and sewerage board shall pay the compensation and expense of the commission as approved by the court, and during and after the completion of the work shall keep the channels, conduits and culverts in repair and pay the expense thereof, and the compensation and expenses so paid shall be assessed and repaid as the expense of construction is to be repaid.

Provided.

Payment of
compensation
and expense of
commission,
etc.

Metropolitan
Water Loan.

SECTION 6. The other expenses incurred in carrying out the provisions of this act shall be paid by the Commonwealth, and the treasurer and receiver general shall, from time to time, on request of the board, issue and sell notes, bonds or scrip of the Commonwealth to an amount not exceeding two hundred and twenty-five thousand dol-

lars, designated on the face thereof, Metropolitan Water Loan, and use the proceeds to meet said expenses and to meet the interest and sinking fund requirements of the loan until the award has been accepted, and the provisions of chapter four hundred and eighty-eight of the acts, of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to said loan.

Certain provisions of law to apply.

SECTION 7. The cities of Malden and Melrose shall respectively pay to the treasurer of the Commonwealth each year the interest and sinking fund requirements of such part of the loan aforesaid as shall be equal to the amount of said expenses which the cities respectively are required by the award to pay, and the interest and sinking fund requirements of the remainder of the loan shall be paid by all the cities and towns in the metropolitan water district, as other expenses of the water works are paid.

Payment of loan, etc.

SECTION 8. The commissioners shall, within six months after the completion of the work of construction, if in their opinion any land receives a benefit from the improvement authorized by this act beyond the general benefit to all land in said cities, determine the value thereof, and assess upon the land a proportional share of the cost of such improvement, not exceeding the value of the benefit; and any party so assessed may have the amount of the assessment determined by a jury of the superior court of the county in which the land is situated, under the provisions, so far as they may be applicable, of chapter fifty of the Revised Laws, but without interest or costs, if the assessment is not less than the amount determined by the jury, and the assessment shall constitute a lien upon the land assessed until paid. Every such assessment shall be certified by the clerk of said court to the collector of the city in which the land lies, and collected by him in the manner provided for the collection of taxes, and the proceeds thereof shall be paid to the treasurer of the Commonwealth and used to meet the interest and sinking fund requirements of the loan authorized by this act.

Assessment and collection of betterments.

SECTION 9. Except as otherwise provided herein this act shall take effect upon its passage.

When to take effect.

Approved June 3, 1904.

Chap. 407 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR
SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE
PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED
BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

Danvers
insane
hospital.

For certain improvements at the Danvers insane hospital, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding fifteen thousand dollars, to be paid out of the Danvers Insane Hospital Fund.

Westborough
insane
hospital.

For certain improvements at the Westborough insane hospital, as authorized by chapter fifty-six of the resolves of the present year, a sum not exceeding twelve thousand dollars, to be paid out of the Westborough Insane Hospital Fund.

Northampton
insane
hospital.

For certain improvements at the Northampton insane hospital, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding twenty-eight hundred dollars, to be paid out of the Northampton Insane Hospital Fund.

Worcester
insane
asylum.

For certain improvements at the Worcester insane asylum, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding five thousand dollars, to be paid out of the Worcester Insane Asylum Fund.

Worcester
insane
hospital.

For certain repairs and improvements at the Worcester insane hospital, as authorized by chapter fifty-nine of the resolves of the present year, a sum not exceeding fifteen thousand five hundred dollars, to be paid out of the Worcester Insane Hospital Fund.

Medfield
insane asylum.

For certain improvements at the Medfield insane asylum, as authorized by chapter sixty of the resolves of the present year, a sum not exceeding twenty-four thousand dollars, to be paid out of the Medfield Insane Asylum Fund.

Taunton
insane
hospital.

To provide for certain additions and improvements at the Taunton insane hospital, as authorized by chapter sixty-one of the resolves of the present year, a sum not

exceeding eight thousand one hundred and fifty dollars, to be paid out of the Taunton Insane Hospital Fund.

For certain improvements at the Massachusetts hospital for epileptics, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding ten thousand dollars, to be paid out of the Massachusetts Hospital for Epileptics Fund.

Massachusetts hospital for epileptics.

For the payment of a judgment rendered against the Commonwealth on account of the improvement of South Bay in the city of Boston, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding ten thousand five hundred dollars, the same to be paid out of the fund for the improvement of South Bay in Boston.

Payment of judgment on account of improvement of South Bay, Boston.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter sixty-four of the resolves of the present year, the sum of thirty thousand dollars.

Trustees of Soldiers' Home in Massachusetts.

For Roxanna Newcomb Wilford, as authorized by chapter sixty-five of the resolves of the present year, the sum of seventy-two dollars.

Roxanna Newcomb Wilford.

For Maurice S. Miller, as authorized by chapter sixty-six of the resolves of the present year, the sum of two hundred dollars.

Maurice S. Miller.

For the Lowell textile school, as authorized by chapter sixty-seven of the resolves of the present year, the sum of twenty thousand dollars.

Lowell textile school.

For the New Bedford textile school, as authorized by chapter sixty-eight of the resolves of the present year, the sum of eighteen thousand dollars.

New Bedford textile school.

For the Bradford Durfee Textile School of Fall River, as authorized by chapter sixty-nine of the resolves of the present year, the sum of twenty thousand dollars.

Bradford Durfee Textile School of Fall River.

For printing and binding the annual report of the commissioners of savings banks, the sum of one hundred eighty-two dollars and two cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report of commissioners of savings banks.

For the salary of the executive secretary, as authorized by chapter two hundred and sixty-eight of the acts of the present year, the sum of five hundred dollars, the same to be in addition to the two thousand dollars appropriated by chapter six of the acts of the present year.

Executive secretary, salary.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred

Governor and council, expenses.

dollars. So much of chapter six of the acts of the present year as appropriates three thousand dollars for travelling and contingent expenses of the governor and council is hereby repealed.

Register of
probate and
insolvency,
county of
Plymouth,
clerical
assistance.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, as authorized by chapter two hundred and nineteen of the acts of the present year, the sum of four hundred dollars, the same to be in addition to the five hundred dollars appropriated by chapter twenty-eight of the acts of the present year.

Register of
probate and
insolvency,
county of
Essex, clerical
assistance.

For extra clerical assistance in the office of the register of probate and insolvency for the county of Essex, as authorized by chapter two hundred and eighty-one of the acts of the present year, a sum not exceeding eight hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of
assistant
register of
probate and
insolvency,
county of
Berkshire.
Rifle team of
volunteer
militia.

For the salary of the assistant register of probate and insolvency for the county of Berkshire, as authorized by chapter two hundred and eighty-six of the acts of the present year, a sum not exceeding six hundred dollars.

To provide for a rifle team of the volunteer militia to participate in competitions for the national and other trophies, as authorized by chapter seventy of the resolves of the present year, a sum not exceeding three thousand dollars.

Salary, etc., of
additional
member of
district police.

For the salary of an additional member of the district police, as provided for by chapter three hundred and eighteen of the acts of the present year, a sum not exceeding one thousand dollars, and for travelling expenses of such additional member, a sum not exceeding three hundred dollars.

State normal
school at
Framingham.

To provide for certain improvements at the state normal school at Framingham, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Massachusetts
reformatory.

To provide new boilers and a new roof on the boiler house at the Massachusetts reformatory, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding fifteen thousand dollars, to be paid out of the Massachusetts Reformatory Industries Fund.

Alexander
Commis.

For Alexander Commis, as authorized by chapter seventy-three of the resolves of the present year, the sum of seventy-five dollars and ten cents.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter seventy-four of the resolves of the present year, the sum of thirty thousand dollars.

Massachusetts
Charitable Eye
and Ear
Infirmary.

For the New England Industrial School for Deaf Mutes, as authorized by chapter seventy-six of the resolves of the present year, the sum of twenty-five hundred dollars.

New England
Industrial
School for
Deaf Mutes.

To provide for the representation of Massachusetts by certain officials at the Louisiana Purchase Exposition, as authorized by chapter seventy-seven of the resolves of the present year, a sum not exceeding five thousand dollars, the same to be paid from the appropriation of one hundred thousand dollars authorized by chapter three hundred and thirty-seven of the acts of the year nineteen hundred and three for expenses in connection with said exposition.

Representation
of Massachu-
setts at
Louisiana
Purchase
Exposition.

For reimbursing the town of Stockbridge for the care of Susie J. Dole, as authorized by chapter seventy-eight of the resolves of the present year, the sum of seven hundred thirty-six dollars and sixty-nine cents.

Town of
Stockbridge.

For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, to be in addition to any amount heretofore appropriated for the same purpose.

Expenses of
committees.

To provide for improving the entrance to the harbor of Cotuit in the town of Barnstable, as authorized by chapter three hundred and fifty-eight of the acts of the present year, a sum not exceeding five thousand dollars.

Improving
entrance to
harbor of
Cotuit,
Barnstable.

To provide for an annual allowance to commissioned officers of the militia towards the purchase of uniforms, as authorized by chapter three hundred and sixty-one of the acts of the present year, a sum not exceeding seventeen thousand dollars.

Annual allow-
ance to officers
of militia.

To provide for certain improvements at the Lyman school for boys, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding twelve hundred dollars.

Lyman school
for boys.

To provide for certain improvements at the state industrial school for girls, as authorized by chapter eighty-one of the resolves of the present year, a sum not exceeding eight thousand two hundred and forty-five dollars.

Industrial
school for
girls.

To provide for furnishing the superintendent's house at the Massachusetts School for the Feeble-Minded, as authorized by chapter eighty-two of the resolves of the present

Massachusetts
School for the
Feeble-Minded.

year, a sum not exceeding one thousand dollars, to be paid out of the Massachusetts School for the Feeble-Minded Fund.

State normal school at North Adams.

To provide for certain improvements at the state normal school at North Adams, as authorized by chapter eighty-three of the resolves of the present year, a sum not exceeding seventy-five hundred dollars.

Reformatory prison for women.

To provide for certain repairs and improvements at the reformatory prison for women, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Massachusetts state sanatorium.

For the purchase of additional land for the Massachusetts state sanatorium, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding ten thousand dollars, to be paid out of the Massachusetts State Sanatorium Fund.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap. 408 AN ACT TO PROVIDE FOR THE PROTECTION OF LOBSTERS WITH EGGS ATTACHED.

Be it enacted, etc., as follows:

Commissioners on fisheries and game may purchase lobsters, with eggs attached, caught along the shore of the Commonwealth, etc.

SECTION 1. The commissioners on fisheries and game are hereby authorized and empowered to purchase, at a rate not exceeding twenty-five per cent above the market price, lobsters with eggs attached, caught along the shore of this Commonwealth. Whoever catches any such lobsters with eggs attached may, after receiving a permit from the commissioners on fisheries and game, safely store the same in lobster cars or sections of cars used for that purpose only, and may keep them separate from other lobsters until such time as the said commissioners or some person or persons designated by them can gather and pay for them. The commissioners and their agent shall liberate them in the vicinity of the location where they were caught; or they may at their discretion sell any portion or all of them to the officer in charge of the United States fish hatchery for artificial propagation, the proceeds to be applied to the appropriation made for the enforcement of this act.

Certain sum may be expended.

SECTION 2. The sum of three thousand dollars, or so much thereof as may be necessary, may be expended at

the discretion of the commissioners for carrying out the provisions of this act in the year nineteen hundred and four, and the sum of four thousand dollars, or so much thereof as may be necessary, in the year nineteen hundred and five.

SECTION 3. For purchasing, equipping and maintaining a suitable boat to be used by the said commissioners in enforcing the provisions of this act, a sum not exceeding four thousand dollars may be expended. Boat may be purchased, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT TO ESTABLISH THE OFFICE OF STATE FORESTER.

Chap. 409

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint an officer to be known as the state forester, who shall receive an annual salary of two thousand dollars. He shall be a trained forester who has had a technical education. He shall serve for the term of one year, unless removed for cause by the governor and council, or until his successor has been appointed and has qualified for office. The term of his office shall begin on the first day of July. The state forester shall be, ex officio, a member of the state board of agriculture. State forester, appointment, term, etc.

SECTION 2. It shall be the duty of the state forester to promote the perpetuation, extension and proper management of the forest lands of the Commonwealth, both public and private. He may upon suitable request give to any person owning or controlling forest lands aid or advice in the management thereof. He shall give such a course of instruction to the students of the Massachusetts Agricultural College on the art and science of forestry as may be arranged for by the trustees of the college and the forester; and shall perform such other duties from time to time as may be imposed upon him by the governor and council. The state forester shall have the right to publish the particulars and results of any examination or investigation made by him or his assistants as to any lands within the Commonwealth, and the advice given to any person who has applied for his aid or advice. Any recipient of such aid or advice shall be liable to the state forester for the necessary expenses of travel and subsistence incurred Powers and duties.

by him or his assistants. The state forester shall account for moneys received under this clause according to the provision of section five.

May establish
and maintain a
nursery, etc.

SECTION 3. The state forester may establish and maintain a nursery for the propagation of forest tree seedlings on such lands as the trustees of the Massachusetts Agricultural College may set aside for that purpose on the college grounds at Amherst. Seedlings from this nursery shall be furnished to the Commonwealth without expense for use upon reservations set aside for the propagation of forest growth for other than park purposes. He may distribute seeds and seedlings to landowners, citizens of the Commonwealth, under such conditions and restrictions as he may, subject to the approval of the governor and council, deem advisable.

Employment
of assistants,
etc.

SECTION 4. The state forester is hereby empowered, subject to the approval of the governor and council, to hire such assistants as he may need in the performance of his duties, and to fix their salaries.

To report
annually.

SECTION 5. The state forester shall annually, on or before the thirty-first day of December, make a written report to the general court of his proceedings for the year ending on the thirty-first day of December, together with such recommendations as he may deem proper, and with a detailed statement of the receipts and expenditures incident to the administration of his office. His report shall be printed in the report of the state board of agriculture.

Certain sum
may be
expended.

SECTION 6. A sum not exceeding five thousand dollars may be expended annually by the state forester, with the approval of the governor and council, in carrying out the provisions of this act.

SECTION 7. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap. 410 AN ACT RELATIVE TO THE PRINTING AND DISTRIBUTION OF CERTAIN PUBLIC DOCUMENTS.

Be it enacted, etc., as follows :

R. L. 9, § 7,
amended.

Section seven of chapter nine of the Revised Laws is hereby amended as follows : — By inserting after the word “copies”, in the twenty-second line, the words : — and of the inspector general of rifle practice, one thousand copies, to be for the use of said inspector general, — so that the paragraph beginning with the twenty-second line

will read as follows : — Of the adjutant general, two thousand copies, and of the inspector general of rifle practice, one thousand copies, to be for the use of said inspector general.

Reports of adjutant general and inspector general of rifle practice.

By striking out lines seventy-nine to ninety, both inclusive, and inserting in place thereof the words : — Of the bureau of statistics of labor, forty-five hundred copies, of which twenty-five hundred may be issued in parts, for the use of the bureau. Fifteen hundred copies may be bound in cloth, of which one half shall be for the use of the bureau. The statistics of manufactures shall form a part of the report of the bureau of statistics of labor.

Report of bureau of statistics of labor.

By striking out the words “ two thousand ”, in the one hundred and fourth line, and inserting in place thereof the words : — twenty-five hundred, — and by striking out the words “ five hundred ”, in the one hundred and fifth line, and inserting in place thereof the words : — one thousand, — so that the paragraph beginning with the one hundred and fourth line will read as follows : — Of the commissioner of public records, twenty-five hundred copies, of which one thousand copies shall be for the use of the commissioner.

Report of commissioner of public records.

By striking out the words “ forty-five hundred ”, in the one hundred and eighteenth line, and inserting in place thereof the words : — six thousand, — so that the paragraph beginning with the one hundred and eighteenth line will read as follows : — Of the metropolitan water and sewerage board, six thousand copies.

Report of metropolitan water and sewerage board.

Approved June 3, 1904.

AN ACT TO PROVIDE FOR ENLARGING THE GREYLOCK STATE RESERVATION.

Chap. 411

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding fourteen thousand dollars may be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Greylock reservation commission, to be expended by the commission for the purpose of acquiring, by purchase or otherwise, such lands adjoining the present Greylock state reservation or enclosed by it as the commission may deem it necessary or advisable to acquire.

The Greylock reservation commission may acquire certain lands.

SECTION 2. Said commission shall have the same powers to acquire, take and care for such additional lands as are

Powers and duties.

given to it by section four of chapter five hundred and forty-three of the acts of the year eighteen hundred and ninety-eight in respect to the lands already acquired by the commission for the said reservation. The additional land so taken or acquired shall form a part of the said reservation, and the title thereto shall be and remain in the Commonwealth.

SECTION 3. The necessary expense for care and maintenance of the additional lands so taken or acquired shall be paid by the county of Berkshire in the manner provided in section five of said chapter five hundred and forty-three.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap. 412 AN ACT TO AUTHORIZE THE CITIES OF BOSTON AND CAMBRIDGE TO REBUILD A BRIDGE ACROSS CHARLES RIVER, TO BE KNOWN AS SOLDIERS' FIELD BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The cities of Boston and Cambridge, by the Cambridge bridge commission, appointed under the provisions of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight, shall rebuild the bridge across Charles river in the line of North Harvard street in Boston and of Boylston street in Cambridge, to be known as Soldiers' Field bridge, and may construct a temporary highway bridge to be used by vehicles and pedestrians during such construction, or may use the present bridge structure for that purpose.

SECTION 2. Said bridge shall be suitable for all the purposes of ordinary travel between said cities, and for the use of surface cars of street railway companies; shall be built with or without a draw at a height above mean high water mark not exceeding twenty-six feet; shall be constructed and maintained subject to the provisions of chapter ninety-six of the Revised Laws and of all other general laws now or hereafter in force relating to bridges over tide waters, so far as the same are applicable, except that no compensation for displacement of tide water or for occupying any lands or flats of the Commonwealth shall be required from said cities or either of them.

SECTION 3. The approach to said bridge on the Boston side shall be laid out by said commission as a highway, not

less than sixty feet in width in all its extent, and the city engineer of the city of Boston, acting for that city, shall construct said approach at or before the completion of said new bridge.

SECTION 4. The approach to said bridge on the Cambridge side shall be laid out by the city of Cambridge as a highway, not less than sixty feet in width in its whole extent, and the city engineer of the city of Cambridge, acting for that city, shall construct the approach at or before the completion of the new bridge.

Construction, etc., of approach on Cambridge side.

SECTION 5. Said commission and the city of Cambridge shall, in laying out said approaches, proceed under the same laws, so far as they may be applicable, which govern the laying out of highways in said cities, respectively, under the provisions of law authorizing the assessment of betterments, with like remedies to all parties interested.

To proceed under certain laws.

SECTION 6. The city of Boston and the city of Cambridge shall respectively pay all damages to property within their respective territories, caused by the laying out and construction of the approaches to said bridge, and all other expenses shall be borne and paid one half by the city of Boston and one half by the city of Cambridge, but the total expenses shall not exceed one hundred and twenty thousand dollars.

Damages, etc.

SECTION 7. The provisions of sections eleven to fifteen, inclusive, of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight, shall, so far as they may be applicable, apply to this act and to all things done hereunder.

Certain provisions of law to apply.

SECTION 8. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT RELATIVE TO ALLOWANCE TO THE PREVAILING PARTY ON ACCOUNT OF THE EXPENSE OF PRINTING BRIEFS FOR THE SUPREME JUDICIAL COURT.

Chap. 413

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six of chapter two hundred and three of the Revised Laws is hereby amended by striking out the word "ten", in the second line, and inserting in place thereof the word: — twenty-five, — so as to read as follows: — *Section 26.* The prevailing party shall be allowed not more than twenty-five dollars, as the court considers reasonable, for expenses actually incurred in

R. L. 203, § 26, amended.

Expenses of printing briefs.

printing the briefs which may be required for the argument of the case at the law sitting of the supreme judicial court.

To take effect
January 1,
1905.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and five.

Approved June 3, 1904.

Chap. 414 AN ACT RELATIVE TO FREE SCHOLARSHIPS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE AND TO ANNUAL PAYMENTS TO BE MADE TO THE COLLEGE BY THE COMMONWEALTH.

Be it enacted, etc., as follows :

Massachusetts
Agricultural
College, free
scholarships.

SECTION 1. One hundred and twenty free scholarships are hereby established at the Massachusetts Agricultural College, to be given by appointment to persons in this Commonwealth, after a competitive examination under rules prescribed by the president of the college, at such time and place as the senator then in office from each district shall designate; and the said scholarships shall be assigned equally to each senatorial district; but if there shall be less than two successful applicants for scholarships from any senatorial district, such scholarships may be distributed by the president of the college equally among the other districts, as nearly as possible. No applicant shall be entitled to a scholarship unless he shall pass an examination in accordance with the rules to be established as hereinbefore provided.

Annual pay-
ments to be
made by the
Common-
wealth.

SECTION 2. The sums hereinafter mentioned shall be paid annually from the treasury of the Commonwealth in equal quarterly instalments, on the first days of January, April, July and October, in each year, to the treasurer of the Massachusetts Agricultural College for the purposes specified, to wit: — For providing one hundred and twenty free scholarships, the sum of fifteen thousand dollars; for providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of thirteen thousand dollars; for the further maintenance of the college, the sum of ten thousand dollars, of which five thousand dollars a year shall be used as a labor fund for the assistance of needy students; for maintaining the veterinary laboratory, the sum of one thousand dollars; for maintaining the agricultural experiment station, the sum of ten thousand five hundred dollars; for maintaining the

heating and lighting plant, the sum of five hundred dollars; and for maintaining the dining hall, the sum of five hundred dollars.

SECTION 3. Chapter forty-six of the resolves of the year eighteen hundred and eighty-three, chapter thirty-four of the resolves of the year eighteen hundred and eighty-six, chapter one hundred and nine of the resolves of the year eighteen hundred and ninety-eight, and all acts and resolves and all parts of acts and resolves inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT RELATIVE TO EXPENDITURES BY THE BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

Chap. 415

Be it enacted, etc., as follows:

SECTION 1. The board of commissioners for the promotion of uniformity of legislation in the United States is hereby authorized to expend a sum not exceeding one thousand dollars in carrying out the purposes specified in chapter four hundred and five of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof, and for this purpose may depute one of its members to travel outside of the Commonwealth whenever in its judgment it is expedient that a conference should be held in other states. Commissioners for promotion of uniformity of legislation in the United States, expenditures.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF LAKE ANTHONY IN THE TOWN OF COTTAGE CITY.

Chap. 416

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to expend the sum of ten thousand dollars, or so much thereof as in its opinion should be expended, in continuing the improvement of Lake Anthony in the town of Cottage City, by increasing the size and depth of the entrance and of the deep water anchorage basin. For the purposes of this act the said board shall have all the powers conferred upon it by chapter four hundred and forty-one of the acts of the year Lake Anthony in Cottage City to be further improved.

eighteen hundred and ninety-eight, and the proceedings of the board hereunder, including the determination and payment of damages, shall be in accordance with the provisions of said chapter four hundred and forty-one.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap.417 AN ACT TO INCORPORATE THE CAHILL TELHARMONIC COMPANY OF NEW ENGLAND.

Be it enacted, etc., as follows:

Cahill Telhar-
monic Com-
pany of New
England
incorporated.

SECTION 1. Oscar T. Crosby, Frederick W. Lord and Guy Murchie, their associates and successors, are hereby made a corporation under the name of the Cahill Telharmonic Company of New England, for the purpose of generating and distributing music electrically, and, so far as the same are applicable, with all the powers and privileges and subject to all the duties, restrictions and liabilities of companies for the transmission of intelligence by electricity, set forth in all general laws now or hereafter in force relating to such companies, except as otherwise provided herein.

Capital stock.

SECTION 2. The capital stock of said company shall at its first meeting be fixed and limited by it to an amount not exceeding one hundred thousand dollars, but the company may increase its capital stock from time to time to an amount not exceeding five hundred thousand dollars in the aggregate, in accordance with the provisions of chapter one hundred and ten of the Revised Laws.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap.418 AN ACT TO AUTHORIZE THE TOWN OF DEERFIELD TO REFUND A PART OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

Town of
Deerfield may
issue notes or
scrip, etc.

SECTION 1. The town of Deerfield is hereby authorized to issue from time to time notes or scrip to an amount not exceeding nine thousand dollars, for the purpose of refunding a part of its indebtedness. The notes or scrip issued under the provisions of this act shall be payable not more than ten years from the date of issue and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by

the treasurer and countersigned by the selectmen of the town. The town may sell such notes or scrip at public or private sale or may use the same in payment of an equal amount of the existing debt of the town. Said securities shall be paid in such annual proportionate payments as will extinguish, within the time specified in this act, the debts on account of which they are issued.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT TO EXTEND THE CORPORATE POWERS OF THE WORCESTER
CONSOLIDATED STREET RAILWAY COMPANY.

Chap. 419

Be it enacted, etc., as follows:

SECTION 1. The Worcester Consolidated Street Railway Company may, from time to time, extend, locate, relocate, construct, and may maintain and operate, lines of street railway in such manner as may be convenient or necessary upon streets, roads and bridges in the city of Worcester, and the towns of West Boylston, Sterling and Leominster, subject to the provisions of all general laws now or hereafter in force, relative to the location, construction, maintenance and operation of street railways, and, subject to the approval of the board of railroad commissioners, upon private land and rights of way, and, subject to the approval and consent of the Massachusetts highway commission, upon state highways, and, subject to the approval of the metropolitan water and sewerage board, upon the locations in any highway intended to be constructed by said board, in said city and towns, and may purchase and hold such real estate as may be necessary and convenient for the operation of its railway therein.

The Worcester Consolidated Street Railway Company may extend its railway, etc.

May purchase and hold real estate.

SECTION 2. The authority herein granted shall cease unless said company shall build and put in operation within two years after the passage of this act some part of a proposed extension of its railway from the present terminus of said company's line on West Boylston street in the city of Worcester through the towns of West Boylston and Sterling to some point in the town of Leominster connecting with said company's present line in that town, and the route of such proposed extension, so far as heretofore located and approved by the board of aldermen and boards of selectmen of said city and towns

Certain part of proposed extension to be in operation within two years, etc.

respectively, is hereby ratified and confirmed; and said company may construct and operate its railway thereon, subject to the approval of the board of railroad commissioners, as fully as if the said boards had been authorized to locate and approve the same at the respective dates of the orders of location and approval.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap.420 AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY OF THE DANVERS AND GEORGETOWN STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Corporate authority of the Danvers and Georgetown Street Railway Company revived, etc.

SECTION 1. The organization of the Danvers and Georgetown Street Railway Company as it existed prior to the first day of December in the year nineteen hundred and three is hereby legalized, and the authority granted by chapter two hundred and ninety-five of the acts of the year nineteen hundred and two is revived, restored and continued as though it had never ceased.

Time limit for constructing railway extended.

SECTION 2. The time limit for constructing and putting into operation the railway of said company is hereby extended to the first day of December in the year nineteen hundred and five.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1904.

Chap.421 AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO EFFECT SETTLEMENTS OF TAXES ON COLLATERAL LEGACIES OR SUCCESSIONS IN CERTAIN CASES.

Be it enacted, etc., as follows :

The treasurer and receiver general may effect settlement of taxes on collateral legacies or successions in certain cases.

SECTION 1. In all cases where there has been or shall be a bequest or devise of property to or for the use of a father, mother, husband, wife, lineal descendant, brother, sister, an adopted child, a lineal descendant of an adopted child, the wife or widow of a son, or the husband of a daughter, for life or for a term of years, which gives to such tenant for life or term of years the power of appointing by deed or will or both the further disposition of such property or any part thereof, the treasurer and receiver general may, with the approval of the attorney-general, effect such settlement of the tax on the interest of any unascertained appointees under such power and of any

unascertained person who may take in default of appointment under such power, as he shall deem to be for the best interests of the Commonwealth; and payment of the sum so agreed upon shall be a full satisfaction of such tax.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1904.

AN ACT RELATIVE TO DEPOSITS WITH THE TREASURER AND RECEIVER GENERAL OF MONEY DEVOTED TO THE PERPETUAL CARE AND MAINTENANCE OF ANY CEMETERY OR LOT THEREIN.

Chap. 422

Be it enacted, etc., as follows:

SECTION 1. Chapter seventy-eight of the Revised Laws is hereby amended by striking out section nineteen and inserting in place thereof the following:— *Section 19.* Money which has been or shall be declared by an instrument in writing to be intended for the perpetual care, maintenance, improvement or embellishment of any cemetery in the Commonwealth, or of any lots or plots therein, to an amount not less than two hundred dollars, may be deposited with the treasurer and receiver general, who shall, in the name of the Commonwealth, receive and receipt for it. The depositors shall, at the time of making such deposit, file with the treasurer and receiver general, and with the secretary of the Commonwealth, a copy of the instrument which declares the purpose for which the money so deposited is intended to be applied; and if the cemetery belongs to a corporation, the deposit shall be accompanied by a written agreement, signed by the president of the cemetery corporation to the effect that the cemetery corporation will accept the income derived from the fund so deposited, and will apply it to the purposes designated by the depositor, as set forth in the instrument filed with such deposit.

R. L. 78, § 19, amended.

Money intended for the care of a cemetery, etc., may be deposited with the treasurer and receiver general, etc.

SECTION 2. Section twenty of said chapter seventy-eight is hereby amended by striking out the word “unincorporated”, in the seventh and eighth lines, so as to read as follows:— *Section 20.* The treasurer and receiver general shall invest the money which may be deposited with him under the provisions of the preceding section, in the name of the Commonwealth, in bonds or other obligations of the Commonwealth or in securities in which he is authorized to invest money in behalf of the Common-

R. L. 78, § 20, amended.

Investment of deposits, payment of interest, etc.

wealth; and, on the first day of February and August in each year, he shall pay over the accrued interest thereof to the treasurer of any association which owns a cemetery for the care, maintenance or improvement of which, or of any lot therein, the money has been deposited with him. If such cemetery is not owned by any association, such interest shall be paid to the city or town in which the cemetery is located. At the time of paying such interest, the treasurer and receiver general shall inform the person to whom it is paid of the purpose to which it is to be applied, as stated in the copy of the instrument which is filed with him, and the person to whom it is paid shall apply it to such purpose.

Approved June 4, 1904.

Chap. 423 AN ACT TO PROVIDE FOR TAKING THE DECENNIAL CENSUS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Decennial census to be taken, etc.

SECTION 1. The decennial census of the Commonwealth, required by articles twenty-one and twenty-two of the amendments to the constitution, and the decennial census of the industries of the Commonwealth, shall be taken in the year nineteen hundred and five and in every tenth year thereafter, under the direction of the bureau of statistics of labor, as hereinafter provided.

Schedules to be devised by bureau of statistics of labor, etc.

SECTION 2. The information sought by the census shall relate to population and social statistics, manufactures, trade, mining and quarrying, agricultural products and property, the fisheries, commerce, libraries, and to schools and school property. This information shall be gathered upon schedules devised by the bureau of statistics of labor and containing inquiries framed by the bureau. The schedules shall be submitted to the governor and council for their approval, and shall contain no other inquiries than those so approved.

Suggestions to be invited from heads of departments, mayors of cities, etc.

SECTION 3. Before preparing the schedules, the chief of the bureau of statistics of labor shall communicate with the heads of the different state departments, offices and institutions, and invite suggestions from them as to the insertion of inquiries in the schedules, the answers to which will supply information of value; and it shall be the duty of the persons so addressed to communicate to the chief of the bureau within sixty days such inquiries as they may desire to have incorporated in the schedules; and if the

same are approved by the governor and council they shall form part of the schedules. The chief shall also request similar suggestions from the mayors of cities and the selectmen of towns, and the inquiries suggested by them within sixty days shall form part of the schedules, if approved as hereinbefore provided.

SECTION 4. The information to be gathered as to population and social statistics shall include an enumeration of the inhabitants and a special enumeration of the legal voters residing in each city and town and in each ward in each city in the Commonwealth on the first day of May in the census year. The information as to libraries, schools and school property shall relate to facts for the year ending on the thirtieth day of June in said year, and, so far as property is concerned, as it exists on the said thirtieth day of June. The information as to agricultural products and property shall relate to facts for the year ending on the fifteenth day of November in said year, and, so far as property is concerned, as it exists on the said fifteenth day of November. The information as to manufactures, trade and commerce shall relate to the facts for the year ending on the thirty-first day of December in said year, or for the last financial year of the establishment or firm making a return; and from the information thus collected shall be compiled the report on the annual statistics of manufactures for the census year.

Certain information to be gathered, etc.

SECTION 5. The government of the United States having provided that the United States census office may cooperate with the statistical bureaus in the several states, the United States census office to bear the expense of the field work in gathering statistics of manufactures, the chief of the bureau of statistics of labor is hereby authorized to contract with the director of the United States census for the rendering of such service, the contract to be subject to the approval of the governor and council. In case the gathering of the statistics of manufactures by the United States should cover the calendar year nineteen hundred and four instead of the year nineteen hundred and five, as hereinbefore provided, the statistics of manufactures shall be taken as for the time provided in the contract made with the director of the census.

Chief of bureau of statistics of labor to contract with the director of the United States census for the rendering of certain service, etc.

SECTION 6. In case the contract is made with the director of the census for the collection of statistics of manufactures, the chief of the bureau of statistics of labor

Appointment of special agent of the United States census of man-

Manufactures may be accepted, etc.

Proviso.

Census enumerators to be appointed.

Provisos.

Nomination and appointment, etc., of enumerators.

Special agents.

is hereby authorized to accept the appointment of special agent in charge for this Commonwealth of the United States census of manufactures, and in the prosecution of his duties he may use the rooms of the bureau : *provided*, that the acceptance of such appointment shall not in any way interfere with the work of the bureau.

SECTION 7. For the purpose of obtaining the information called for by this act the chief of said bureau shall appoint census enumerators for each city and town in the Commonwealth, but the whole number of enumerators shall not exceed one for every three thousand persons in each city and town, according to the returns of the preceding decennial census, and shall be so many less as the chief may decide to be adequate for the duty : *provided*, that for the enumeration of the inhabitants and legal voters at least one person shall be appointed and compensated in each city and town ; and *provided, further*, that every person appointed as an enumerator shall be an inhabitant of the city or town in which he is to perform the duty required, unless a properly qualified inhabitant cannot be found to undertake the work, in which case a non-resident may be appointed.

SECTION 8. The mayor and aldermen of cities and the selectmen of towns may nominate twice as many persons as there are enumerators to be appointed in each city and town, and of the persons thus nominated there shall be appointed as enumerators, under the provisions of this act, those found best qualified for the work, as determined by such rules and tests as the said chief may fix, subject to the approval of the civil service commissioners of the Commonwealth. In case the mayor and aldermen or selectmen do not nominate a sufficient number of persons thus found to be properly qualified, within thirty days after being requested to do so, then the said chief may appoint, subject to such tests as to qualifications as are herein provided for, the additional number required. In case any enumerator shall be found incompetent or derelict in the performance of his duty his commission may at any time be revoked by said chief and another enumerator appointed in his place.

SECTION 9. Beside the enumerators herein provided for, the said chief may appoint special agents for the purpose of securing statistics of the dependent, defective and delinquent classes, and for other services in connection

with the census, under the limitations and regulations of law applicable to the employment of special agents of said bureau.

SECTION 10. The said bureau shall, on or before the first day of May in each census year, transmit to the enumerators appointed under the preceding section, printed schedules, in accordance with the provisions of section two, relating to the population and social statistics, with such instructions as said bureau may deem necessary, and a notice that the returns upon such schedules must be made to the office of said bureau on or before the last day of June of the same year.

Instructions,
etc., to enu-
merators.

SECTION 11. In making the returns designated in section ten the enumerators shall transmit therewith a complete list of all librarians and proprietors or principals of all incorporated and unincorporated colleges, academies and private schools; and upon such lists, and others prepared by the bureau, the information relative to manufactures, trade, mining and quarrying, the fisheries, commerce, libraries and schools and school property, shall be gathered by said bureau by mail, and of such persons as fail to make returns by mail, by such of the special agents appointed under section nine as the said bureau may designate.

Enumerators'
returns.

SECTION 12. The information relative to agricultural products and property shall be gathered by such of the enumerators and special agents to be appointed under sections eight and nine as said bureau shall designate, but the number so designated shall not exceed two hundred and fifty for the whole Commonwealth; and they shall make return of such information on or before the fifteenth day of January following the census year.

Agricultural
products and
property.

SECTION 13. The enumerators and special agents appointed under this act, on receiving their commissions and before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation that they will faithfully perform, to the best of their ability, the duties imposed upon them by their commissions, and that they will support the constitutions of the United States and the Commonwealth of Massachusetts, which oaths shall be filed in the office of said bureau by each enumerator or special agent, with his acceptance of his appointment; and in making his returns as to population and social statistics he shall sign and transmit therewith a certificate that the information reported in such returns is correct to the best

Enumerators
and special
agents, oaths,
etc.

of his knowledge and belief. All other schedules must be certified to in a similar manner by the persons making them.

Enumeration of cities to be made by streets, blocks, etc., upon request.

SECTION 14. Upon the request of the mayor and aldermen of any city, made to the chief of said bureau before the first day of January next preceding the taking of the census, said chief shall direct the enumeration to be made in such manner as to show the number of inhabitants and legal voters in each street, square or avenue or in such blocks or sections of such city as may be agreed upon by the mayor and aldermen and the said chief, and the said chief shall report the results of such enumeration of the city to the clerk thereof. Upon receipt of the report the city may make a new division of its wards, as provided by law; and a description of the new ward boundaries with the population of the wards shall thereafter be filed by the city clerk in the offices of the secretary of the Commonwealth and the said bureau.

Cities may make new division of wards, etc.

Abstract of number of inhabitants and legal voters, etc.

SECTION 15. The said bureau, after it has gathered the facts as to population, shall make an abstract showing the number of inhabitants and legal voters in each town and in each ward of the several cities, as determined by the enumeration, arranged by counties, and shall return the same into the office of the secretary of the Commonwealth on or before the first day of December of each census year, and the secretary shall submit the same to the general court within the first ten days of the session following the taking of the census of inhabitants.

Reports to be printed, etc.

SECTION 16. The said bureau, after it shall have gathered the facts called for in this act, shall cause to be prepared and printed reports of the same, with proper analyses, for the use of the general court, but in the reports so required or otherwise, no disclosure shall be made of the names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential; and any enumerator or employee of said bureau violating this provision shall be fined as provided for in the succeeding section for wilful deceit and falsehood.

Penalty for wilful deceit, etc.

SECTION 17. If an enumerator or agent duly appointed under this act wilfully refuses to perform any duty required of him in accordance herewith he shall forfeit a sum not exceeding five hundred dollars, and if he is guilty of wilful deceit or falsehood in the discharge of his duties he

shall forfeit a sum not exceeding two thousand dollars or be imprisoned for not more than one year, and if any person shall refuse to give the information required by this act to a person authorized to collect the same he shall pay a fine not exceeding one thousand dollars for every such refusal.

SECTION 18. All fines imposed by this act may be recovered in any court of competent jurisdiction, by information or complaint of the attorney-general, and shall accrue wholly to the Commonwealth.

Recovery of fines, etc.

SECTION 19. The general results of the census shall be contained in three volumes: — The first shall present statistics relating to population, schools and libraries; the second, statistics relating to agriculture, mines, pits and quarries, the fisheries and commerce; the third, statistics relating to manufactures and trade. It shall be the duty of the chief of the bureau to present the general information absolutely needed by the public in the most condensed and compact form, and to deliver all of the copy required for the three volumes to the state printers on or before the first day of September, nineteen hundred and six. The sociological and all other features of the census of value to the public shall be presented in the regular reports and bulletins of the bureau, or in such special reports as may be expressly authorized by the general court.

General results of census to be contained in three volumes, etc.

SECTION 20. There shall be allowed and paid out of the treasury of the Commonwealth to each enumerator employed under the provisions of this act, the sum of three dollars for each day of nine hours actually employed in said service, and to each special agent a sum not exceeding five dollars for every such day; and the account of each enumerator and special agent so employed shall be sworn to, and shall be paid on the approval of the chief of said bureau. Before payment to an enumerator the returns of such enumerator shall have been examined and found correct and properly made. No allowance shall be made to any enumerator for travelling expenses, except in extreme cases when such allowance would secure economy in the enumeration, and in no case shall any such allowance be made except upon previous written authority to incur such expenses, granted by the chief of said bureau.

Compensation and expenses of enumerators, etc.

SECTION 21. The chief of said bureau may expend a sum not exceeding fifteen thousand dollars in preliminary preparations for the census, in preparing and printing

Preparation of schedules, employment of clerical assistance, etc.

schedules, instructions, blanks and other like preparations, and in advising the public by the dissemination of proper information of the statistics to be gathered. He may, for the purpose of making abstracts and preparing reports on the census, employ such clerical assistants as he may require, under the limitations and regulations of law applicable to the employment of clerical assistance in said bureau, such clerical assistants to be paid from such appropriation as the general court may make for census purposes; but the rate of pay for such service shall not exceed the sum of five dollars for each day actually employed. From this sum there may be expended under the direction of the sergeant-at-arms a sum not exceeding one thousand dollars for the purpose of making repairs and putting in good order one of the houses owned by the Commonwealth for the use of said bureau during the taking of the census.

Expert statisticians to be appointed, etc.

SECTION 22. In order that the work of enumeration, of tabulation, and of proof reading of the three census volumes may be prosecuted with the greatest speed and accuracy, the chief is hereby authorized to appoint not more than six persons, who shall be expert statisticians, at a salary not exceeding six dollars for each day actually employed: *provided*, that these appointments are made subject to the provisions of existing law governing such appointments.

Proviso.

Extra compensation.

SECTION 23. From the first day of July in the year nineteen hundred and four, until the thirtieth day of June in the year nineteen hundred and seven, these three years covering the periods of preparation, enumeration, tabulation and printing of the census volumes, the chief of said bureau and the first and second clerks thereof shall receive an extra compensation in addition to their salaries as now provided for by law, the sum of one thousand dollars to said chief, seven hundred dollars to said first clerk, and five hundred dollars to said second clerk, for each of the years named, such extra compensation to be paid from the appropriations for census purposes.

Certain rooms, etc., to be placed at the disposal of the chief of bureau.

SECTION 24. The sergeant-at-arms is hereby authorized to place at the disposal of the chief of the bureau of statistics of labor any unoccupied rooms, building or buildings owned or leased by the Commonwealth, which may be suited for the work of the bureau, and to care for the same: *provided*, that, if no such rooms are avail-

Proviso.

able, the chief of the bureau shall secure such additional rooms as may be required by and adjudged suitable by him for the work on the census, the rent of such rooms and the care thereof to be paid out of the appropriations for the census.

SECTION 25. In order to make suitable preparation for the new census, the chief of the bureau is hereby authorized to destroy or sell all blank, written or printed material now in the possession of the bureau which has become useless, occupying room which can be used to advantage: *provided*, that all sums received from such sales shall be turned over to the treasurer of the Commonwealth.

Certain useless material to be disposed of, etc.

Proviso.

SECTION 26. The bureau of statistics of labor is hereby authorized to expend the sum of three hundred and fifty thousand dollars as the maximum cost of the census of inhabitants and industries in the Commonwealth for the year nineteen hundred and five, exclusive of the cost of paper for schedules and of printing, stereotyping and binding the three volumes of the census hereinbefore provided for; and it shall not be lawful for said bureau to incur any expense or obligation whatever in respect to said census in excess of the sum herein provided.

Maximum cost of census, etc.

SECTION 27. Chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Repeal.

SECTION 28. This act shall take effect upon its passage.

Approved June 4, 1904.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND REPORT AS TO THE BUILDING LAWS OF THE COMMONWEALTH.

Chap. 424

Be it enacted, etc., as follows:

SECTION 1. The governor of the Commonwealth, with the advice and consent of the council, shall, within thirty days after the passage of this act, appoint a committee of three persons, citizens of the Commonwealth, one of whom he shall designate as chairman, to be known as the Commission on Building Laws.

Commission on Building Laws, appointment, etc.

SECTION 2. The said commission shall investigate the expediency of revising and amending the building laws of the Commonwealth, and shall have authority to summon witnesses, and shall make a report in print to the

Powers, duties, etc.

next general court on or before the second Wednesday in January in the year nineteen hundred and five. If the commission recommends any legislation it shall accompany its report with drafts of such bills as may be necessary to carry its recommendations into effect. The commissioners shall be paid such compensation as the governor and council may allow. The powers of the commission shall terminate on said second Wednesday in January.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1904.

Chap. 425 AN ACT TO INCORPORATE THE BRIGGS CORNER CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

Briggs Corner
Cemetery
Association
Incorporated.

SECTION 1. Marsden J. Perry, Darius Briggs, George Warrall, Fred Torrey and James Groves, their associates and successors, are hereby made a corporation by the name of Briggs Corner Cemetery Association, for the purpose of acquiring, holding, improving and enlarging, for a place of burial of the dead, the grounds now included within the Conant burying ground in the northerly part of Rehoboth and grounds adjacent thereto; and said corporation shall have all the powers and privileges and shall be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations, except as herein otherwise provided.

May hold other
real estate,
etc.

SECTION 2. Said corporation may acquire and hold other real estate for the purposes of its organization to an amount not exceeding twenty thousand dollars in value.

Grants,
bequests, etc.

SECTION 3. The said corporation is authorized to take and hold any grant, devise, gift or bequest of property, upon trust, to apply the same or the income thereof to the care, improvement, embellishment or enlargement of said cemetery or of any part thereof, or of any lot therein, or to the erection, repair, preservation or removal of any monument or other structure therein, in any manner consistent with the purposes for which said corporation is established; and whenever any such grant, gift, devise or bequest, or any deposit of money, shall be made for the repair, preservation or embellishment of any lot or struc-

ture, said corporation may give an agreement or obligation in such form and upon such conditions as it may establish, binding such corporation and its successors to preserve and keep in repair such lot or structure forever, or for such time as may be agreed upon.

SECTION 4. All persons now or hereafter owning lots or any interest in lots in said cemetery may become members of the corporation on application to the secretary; and when any person shall cease to be a proprietor of a lot or interest in a lot in the lands of the corporation he shall cease to be a member thereof. Membership.

SECTION 5. The net proceeds of sales of lots in the lands of the corporation shall forever be devoted to the preservation, improvement, embellishment, protection or enlargement of said cemetery, and to the payment of the current and incidental expenses thereof, and to no other purpose. Disposition of net proceeds of sales of lots, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of the lots therein, and for the management of any funds which it may hold and for any other matters incident to the purposes of the corporation. Officers, powers and duties, etc.

SECTION 7. This act shall take effect upon its passage.

Approved June 4, 1904.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE ANNUAL ASSESSMENTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF THE METROPOLITAN WATER SYSTEM.

Chap. 426

Be it enacted, etc., as follows:

The treasurer and receiver general of the Commonwealth, for the purpose of making the apportionment to the cities and towns in the metropolitan water district of the amount required in each year to pay the interest, sinking fund requirements and expenses of maintenance and operation of the metropolitan water system provided for by section nineteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter four hundred and eighty-nine of the acts of the year nineteen hundred and one, shall, in the year nineteen hundred and six and in each year thereafter, apportion to the city of Boston the proportion of Apportionment of annual assessments for construction and maintenance of the metropolitan water system.

Provisos.

such amount which the valuation of that city for the preceding year bears to the total of all such valuations of all cities and towns in said water district: *provided, however*, that there shall be included only one fifth of the total valuation of every such city and town which has not reached the safe capacity of its present sources of supply in a dry year or of the sources of supply of the water company by which it is supplied, as determined by the metropolitan water and sewerage board and certified to said treasurer, or which has not made application to said board for water; and the remainder to the other cities and towns in said district, one third in proportion to their respective valuations for the preceding year and the remaining two thirds in proportion to the consumption by the cities and towns respectively in the preceding year of water received from all sources of supply as determined by said board and certified to said treasurer, including however only one fifth of the total valuation and not including any consumption of water for any such city or town which has not reached the safe capacity of its present sources of supply or of the sources of supply of the water company by which it is supplied as aforesaid, or which has not made application to said board for water; and *provided, further*, that any city or town assessed upon its full valuation which obtains a part of its water supply from its own works or receives a supply from a water company shall be allowed and credited in its apportionment with a sum equal to twelve dollars for each million gallons of water furnished as aforesaid, as determined by said board and certified to said treasurer.

Payment of assessments.

The treasurer shall in each year notify each city and town of the amount of its assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as part of its state tax.

Approved June 4, 1904.

Chap. 427

AN ACT TO REGULATE BOND AND INVESTMENT COMPANIES.

Be it enacted, etc., as follows:

Sale of certain bonds, etc., on the instalment plan regulated.

SECTION 1. The business of issuing, negotiating or selling any bonds, certificates or obligations of any kind on the partial payment or instalment plan, unless such bond, certificate or obligation shall at the time of issuance, negotiation or sale be secured by adequate property, real or personal, shall be transacted in this Commonwealth only

by corporations subject to the requirements of this chapter. Every such corporation before doing business in this Commonwealth shall have at least one hundred thousand dollars of capital stock fully paid in, which for the benefit and protection of all its investors equally shall be deposited in trust with the treasurer of the Commonwealth, or with the duly authorized officer of some other state, which deposits shall consist of cash or of securities in which the savings banks in this Commonwealth are permitted to invest their deposits, or of securities approved by the savings bank commissioners and worth at least one hundred thousand dollars. Such corporation, if the deposit is made with the officer of any other state, shall furnish the savings bank commissioners with a certificate from said officer under his official seal, showing that he, as such officer, holds said deposit in trust for the benefit and protection of all the investors in said corporation. The certificate shall embrace the items of securities so held, and show that such officer is satisfied that said securities are worth one hundred thousand dollars, but such certificate shall in no manner impair the right of said commissioners to examine the securities so held. A corporation making such deposit with the treasurer of this Commonwealth shall be entitled to the income thereof, and may from time to time, with the consent of the treasurer, change, in whole or in part, the deposited securities for other securities of equal value, approved as aforesaid. The treasurer may return to the corporation any such deposit, if it shall appear that the corporation has ceased to do business in this Commonwealth, and is under no obligation to its contract holders or other person in this Commonwealth or elsewhere for whose benefit such deposit was made. A corporation that has made such deposit, or the commissioners of savings banks, or any creditor, may bring in the supreme judicial court for the county of Suffolk a suit in equity against the Commonwealth to enforce, administer or terminate the trust created by such deposit.

Deposit to be made with treasurer of the Commonwealth or authorized officers of another state, etc.

Certificate to be furnished savings bank commissioners when deposit is made with officer of another state, etc.

Deposit may be returned when corporation has ceased to do business, etc.

Enforcement, etc., of trust created by deposit.

SECTION 2. No corporation shall transact said business without receiving a certificate of authority from the commissioners of savings banks. Upon the filing of the certificate required by the provisions of section one by such corporation and upon an examination or exhibition of the assets and liabilities of such corporation showing that it is in a sound financial condition and if it is otherwise duly

Not to transact business without certificate of authority.

Affairs of
corporation
may be
examined, etc.

qualified under the laws of this Commonwealth to transact business therein, said commissioners shall issue to said corporation a certificate of authority to do business in this Commonwealth. Upon the filing of such certificate, or whenever they deem it to be prudent for the protection of investors in this Commonwealth, said commissioners may visit personally, or by a competent examiner whom they shall appoint, any corporation engaged in said business, and thoroughly inspect and examine its affairs, and ascertain its financial condition and whether it has complied with the provisions of law. The proper charges incurred in the examination of a foreign corporation, including the expenses of the commissioners and the expenses and compensation of their assistants employed therein, shall be paid by such corporation. For the purposes aforesaid, the commissioners or the person making the examination shall have free access to all the books and papers of a corporation which relate to its business, and to the books and papers kept by any of its agents; and may examine and administer oath to, and examine as witnesses, the directors, officers and agents of said corporation, and any other person relative to its affairs, transactions and condition.

Annual statement to be filed with commissioners of savings banks.

SECTION 3. Every corporation transacting said business shall annually, on or before the fifteenth day of January, file in the office of the commissioners of savings banks a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year, and its business of that year. For cause, the commissioners may extend the time for filing said statement, but not to a date later than the fifteenth day of February. Such annual statement shall be in the form required by the commissioners of savings banks, and shall be sworn to by the president and secretary, or, in their absence, by two of its principal officers. For filing each annual statement every corporation shall pay to the Commonwealth twenty dollars. A corporation which neglects to file its annual statement with the board within the time required shall forfeit one hundred dollars for each day during which such neglect continues; and, upon notice of the commissioners of savings banks to that effect, its authority to do any business shall cease while such default continues. For wilfully making a false annual statement, the corporation and the person making oath to or subscribing to the same shall be punished by a fine of not less than five hundred

Penalty for making false statement, etc.

dollars nor more than five thousand dollars, and a person who makes oath to such false statement shall be guilty of perjury.

SECTION 4. If the commissioners of savings banks are of opinion, upon examination or other evidence, that a foreign corporation subject to this chapter is in an unsound financial condition, that it has failed to comply with the law, or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto, they shall suspend all certificates of authority granted to said foreign corporation, its officers or agents, and shall cause notices thereof to be published in the newspaper in which the general laws are published; and no new business shall thereafter be done by it in this Commonwealth while such default or disability continues, nor until its authority to do business is restored by the commissioners, or by the supreme judicial court as hereinafter provided. They shall forthwith notify the company of such suspension and shall specify in the notice the cause thereof and the particulars of any alleged violation of law. The supreme judicial court, upon petition of said corporation brought within thirty days after receipt of said notice, shall summarily hear and determine the question whether such cause for suspension exists, and shall make any appropriate order or decree therein. Questions of law may be taken to the full court, as in other cases. If upon examination the commissioners of savings banks are of opinion that any domestic corporation subject to the requirements of this chapter is in an unsound financial condition or has exceeded its powers, or has failed to comply with any provision of law, they shall apply to the supreme judicial court, which shall have jurisdiction in equity of such application, for an injunction restraining it, in whole or in part, from further proceeding with its business. The court may issue an injunction forthwith, and may, after a full hearing, make the injunction perpetual, and may appoint a receiver or receivers to take possession of the property and effects of the company and to settle its affairs, subject to the order of the court.

Certificates of authority granted to foreign corporations, etc., to be suspended in certain cases, etc.

The supreme judicial court to determine certain questions upon petition, etc.

An injunction may issue restraining domestic corporations from doing business in certain cases, etc.

Receiver may be appointed.

SECTION 5. Whoever sells or attempts to sell any bond, certificate or obligation issued by a corporation subject to the requirements of this chapter, or transacts any business in behalf of said corporation, unless said corporation is authorized by the commissioners of savings banks, as

Penalty for transacting business without authority.

hereinbefore set forth, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Provision to be made for paid up bonds in certain cases, etc.

SECTION 6. Every corporation subject to the requirements of this chapter shall provide in every bond, certificate or contract issued by it that, after one fourth of the total amount of instalments therein required has been paid and in any event after instalments for two full years have been paid thereon, in case of default in the payment of any subsequent instalment a paid up bond shall be given to the holder of said bond, certificate or contract, of not less than the full amount paid thereon less any amount paid by said corporation on account thereof, said paid up bond to mature at the same date as the original bond, certificate or contract; and no such corporation shall provide for the payment of profits in the form of dividends or otherwise, except from earnings, nor pay any part of the payments made by the holder of any bond, certificate or contract in force to the holder of any other bond, certificate or contract: *provided, however*, that nothing herein contained shall be construed to prohibit the payment of accumulations by such corporation on its contracts at their final maturity.

Proviso.

Not to apply to certain corporations.

SECTION 7. The provisions of this act shall not apply to corporations which are subject to the requirements of chapters one hundred and eighteen, one hundred and nineteen and one hundred and twenty of the Revised Laws.

Penalty.

SECTION 8. Any person or corporation violating any provision of this chapter for which no penalty is specifically provided shall be punished by a fine of not more than five hundred dollars. *Approved June 4, 1904.*

Chap. 428 AN ACT TO CEDE TO THE UNITED STATES JURISDICTION OVER A TRACT OF LAND IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

The United States may purchase certain land in Nantucket.

SECTION 1. The consent of the Commonwealth is hereby granted to the United States to purchase a certain tract of land situated in the town of Nantucket and bounded and described as follows, to wit: — Westerly by Orange street, forty-six and seventy-five one hundredths feet; southerly by a public highway or court, one hundred twenty-seven and fifty one hundredths feet; easterly

by land of V. M. Thompson, forty-seven and fifty one hundredths feet; and northerly by land of R. K. Harlow, one hundred forty-five and ninety-three one hundredths feet: *provided*, that a plan of the premises purchased shall be filed by the United States in the office of the secretary of the Commonwealth within one year from the passage of this act; and *provided, always*, that this Commonwealth shall and does retain concurrent jurisdiction with the United States in and over the tract of land aforesaid so far as that all civil and criminal processes issuing under the authority of the Commonwealth may be executed on said land and in any buildings thereon, or which may be erected thereon, in the same manner as if jurisdiction had not been granted as aforesaid, and *provided, also*, that the exclusive jurisdiction shall revert to and revest in the Commonwealth whenever the said land shall cease to be used for a weather bureau observatory.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1904.

AN ACT RELATIVE TO THE ASSESSMENT OF THE SALARIES AND EXPENSES OF THE BOARD OF RAILROAD COMMISSIONERS.

Chap. 429

Be it enacted, etc., as follows:

SECTION 1. The sums of money annually appropriated by the general court for the salaries and expenses of the board of railroad commissioners, its clerk and employees, shall be apportioned by the tax commissioner among the several railroad and street railway corporations, and on or before the first day of July in each year he shall assess upon each of said corporations its share of such sums, in proportion to its gross earnings from the transportation of persons and property for the last preceding year in which the assessment is made; and such assessments shall be collected in the same manner as taxes upon corporations.

Sums appropriated for salaries and expenses of railroad commissioners to be assessed upon railroad and street railway corporations, etc.

SECTION 2. Of the amount so assessed and collected any balance remaining on the thirty-first day of December in any year shall be carried forward to the next year, and shall be taken into account in making the appropriation for that year.

Balance remaining December 31 to be carried to next year.

SECTION 3. Section ten of chapter one hundred and eleven of the Revised Laws is hereby repealed; but on or before the first day of July, nineteen hundred and four,

Repeal, etc.

the tax commissioner shall apportion and assess such expenses therein mentioned as were incurred by the board of railroad commissioners prior to the first day of January, nineteen hundred and four, in the manner therein provided.

SECTION 4. This act shall take effect upon its passage.

Approved June 4, 1904.

Chap.430 AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL MEMBERS OF THE DISTRICT POLICE TO SERVE AS INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Be it enacted, etc., as follows :

Additional members of district police force, appointment, etc.

SECTION 1. The governor is hereby authorized and requested to appoint two additional members of the district police force, who shall be employed as additional inspectors of factories and public buildings. The terms of office, salaries, powers and duties of said additional members shall be the same as those of the district police force already appointed. The said appointments may be made without giving to veterans the preference required by sections twenty-one and twenty-two of chapter nineteen of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1904.

Chap.431 AN ACT RELATIVE TO THE APPROVAL OF CERTAIN OFFICIAL BONDS.

Be it enacted, etc., as follows :

Approval of certain official bonds.

SECTION 1. The official bonds given by persons designated to receipt for advances of money by the metropolitan park commission and the metropolitan water and sewerage board, which have heretofore been approved by the auditor of accounts, shall hereafter be approved by the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1904.

Chap.432 AN ACT RELATIVE TO AGE AND SCHOOLING CERTIFICATES OF MINORS.

Be it enacted, etc., as follows :

R. L. 106, § 31, amended.

SECTION 1. Section thirty-one of chapter one hundred and six of the Revised Laws is hereby amended by strik-

ing out the section and inserting in place thereof the following: — *Section 31.* An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such minor, or the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence may be accepted in case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the last school census, nor the certificate of birth or baptism, nor the register of birth is available for the purpose.

Approval of age and schooling certificates of minors.

SECTION 2. This act shall take effect upon its passage.

Approved June 4, 1904.

AN ACT TO REORGANIZE THE DETECTIVE DEPARTMENT AND FOR THE APPOINTMENT OF A DEPUTY CHIEF OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Chap. 433

Be it enacted, etc., as follows:

SECTION 1. The fire marshal's department of the district police, and all offices belonging to it, are hereby abolished. The powers and duties heretofore conferred and imposed upon it and its several officers are hereby transferred to the detective department of the district police, which may be increased by the addition of a chief fire inspector, at a salary of fifteen hundred dollars a year, who shall have the powers and upon whom shall be imposed the duties formerly held by and imposed upon the chief aid of the fire marshal's department, and of six additional fire inspectors, each at a salary of one thousand dollars a year. The deputy chief of the detective department shall have the powers and duties formerly held by and imposed upon the deputy chief of the fire marshal's department. The fire inspectors shall each have the powers of district police officers, and shall be appointed by the governor for the term of three years. The chief of the district police may appoint for service in the detective department a clerk and a stenographer, each at a salary of twelve hundred dollars a year. Any person now in the service of said fire marshal's department may be appointed or employed in the detective department without civil service examination. The chief of the district police shall

Powers and duties of fire marshal's department transferred to detective department of district police, etc.

Clerk and stenographer may be appointed, etc.

transmit the annual report of his official action in the matter of fires to the insurance commissioner.

Deputy chief of inspection department, appointment, etc.

SECTION 2. A deputy chief of the inspection department of the district police shall be appointed by the governor from the members of the district police, who shall be paid an annual salary of twenty-four hundred dollars.

Repeal.

SECTION 3. Sections two and three of chapter one hundred and forty-two of the acts of the year nineteen hundred and two and section one of chapter three hundred and sixty-five of the acts of the year nineteen hundred and three are hereby repealed.

When to take effect.

SECTION 4. So much of this act as authorizes the appointment of additional members of the detective department of the district police shall take effect on the first day of July in the year nineteen hundred and four, and the remainder of this act shall take effect as soon as the members of said department are appointed and qualified.

Approved June 8, 1904.

Chap. 434 AN ACT TO PROVIDE FOR THE ERECTION OF A NEW BUILDING FOR THE REGISTRY OF DEEDS AND THE REGISTRY OF PROBATE AT PLYMOUTH, AND FOR THE IMPROVEMENT OF THE HOUSE OF CORRECTION IN SAID TOWN.

Be it enacted, etc., as follows :

New building for registry of deeds, etc., to be erected at Plymouth, etc.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and required to erect in the town of Plymouth a suitable fireproof building for the registry of deeds and the registry of probate, and may take by purchase or otherwise such land as may be necessary for that purpose ; and they are authorized and required to make all needful improvements in the house of correction in said town.

Description of land to be recorded, etc.

SECTION 2. Said county commissioners shall, within sixty days after the taking of any land under this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds for said county a description of such land sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by said county commissioners ; and the title of the land so taken shall vest in said county in fee. Said county shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of such land as aforesaid ; and the damages shall be

Damages.

ascertained and determined in the manner provided for ascertaining and determining damages in the case of laying out, altering and discontinuing of highways.

SECTION 3. In order to meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of said county a sum not exceeding eighty thousand dollars, of which sum not more than five thousand dollars shall be expended in improving the house of correction. Said indebtedness shall be paid out of amounts received for taxes, at the rate of ten thousand dollars each year, commencing with the year nineteen hundred and five, until the whole indebtedness is paid.

County commissioners may borrow upon credit of county, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1904.

AN ACT RELATIVE TO THE ASSESSMENT OF THE SALARIES AND EXPENSES OF THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Chap. 435

Be it enacted, etc., as follows:

SECTION 1. All sums of money annually appropriated by the general court for the salaries and expenses of the board of gas and electric light commissioners, their clerk and employees, shall be apportioned by the tax commissioner among the several gas and electric light companies; and on or before the first day of July in each year he shall assess upon each of said companies its share of such sums in proportion to its gross earnings for the year last preceding the year in which the assessment is made; and such assessment shall be collected in the same manner as taxes upon corporations.

Sums appropriated for salaries and expenses of gas and electric light commissioners to be assessed upon gas and electric light companies, etc.

SECTION 2. Of the amount so assessed and collected any balance remaining on the thirty-first day of December in any year, and all forfeitures collected under section thirty-two of chapter one hundred and twenty-one of the Revised Laws and all fees collected under section thirty-six of said chapter and under section five of chapter two hundred and twenty-eight of the acts of the year nineteen hundred and two, during the year, shall be carried forward to the next year and shall be taken into account in making an appropriation for that year.

Balance remaining December 31, etc., to be carried to next year.

SECTION 3. Section four of chapter one hundred and twenty-one of the Revised Laws is hereby repealed; but on or before the first day of July, nineteen hundred and

Repeal, etc.

four, the tax commissioner shall apportion and assess such expenses therein mentioned as were incurred by the board of gas and electric light commissioners prior to the first day of January, nineteen hundred and four, in the manner therein provided.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1904.

Chap. 436 AN ACT RELATIVE TO COMPENSATION FOR DAMAGES OCCASIONED
IN THE TOWN OF BOYLSTON BY THE CONSTRUCTION OF THE MET-
ROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows :

Compensation
for damages
occasioned
in town of
Boylston by
the construc-
tion of the
metropolitan
water system.

SECTION 1. The owner of any real estate situated in that part of the town of Boylston on the southerly and southeasterly side of the metropolitan water basin known as the Wachusett reservoir, and within the limits of the Nashua river watershed, not taken but directly or indirectly decreased in value by reason of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and amendments thereof, entitled " An Act to provide for a metropolitan water supply ", or by the doings of the metropolitan water board or of the metropolitan water and sewerage board thereunder, shall have the same right to damages for such decrease in value, to be determined and recovered in the same way, as is provided for owners of certain real estate in the town of West Boylston by section fourteen of said chapter: *provided*, that the petition required by said section is filed within two years after the passage of this act; but no owner shall have the right to surrender his real estate to the Commonwealth in the manner provided in said chapter.

Proviso.

Certain rules
and regula-
tions not to
constitute an
element of
damage.

SECTION 2. The rules and regulations of the state board of health or of the metropolitan water and sewerage board now or hereafter in force for the sanitary protection of water or sources of water supply shall not constitute an element of damage within the meaning of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1904.

AN ACT TO AUTHORIZE THE DISSOLUTION OF THE CORPORATIONS KNOWN AS THE CENTER METHODIST EPISCOPAL CHURCH AND SOCIETY IN FAIRHAVEN, AND THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN FAIRHAVEN, AND A CONVEYANCE OF THE PROPERTY OF EACH CORPORATION TO THE TRUSTEES OF THE CENTRE METHODIST EPISCOPAL CHURCH OF FAIRHAVEN, MASSACHUSETTS.

Chap. 437

Be it enacted, etc., as follows :

SECTION 1. The Center Methodist Episcopal Church and Society in Fairhaven, a religious corporation located at Fairhaven in the county of Bristol, organized in May, eighteen hundred and seventy-two, for the purpose of organizing into a corporation the proprietors and owners of pews in a meeting house and of the land connected therewith, known as the meeting house of the Centre Church and Society in said Fairhaven, is hereby authorized to convey to the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts, a religious corporation subject to the discipline and usages of the Methodist Episcopal Church also located in Fairhaven, all the real estate and other property of the first named corporation now held by the members thereof, and by its board of trustees in its behalf, as pew holders or as tenants in common thereof, by a deed of conveyance to be authorized by a three fourths vote of the members of said corporation present and voting at a meeting called for that purpose by publishing a notice thereof once a week for four successive weeks in a newspaper published in said Fairhaven, and by posting a copy of the notice on the outer door of the meeting house of said corporation at least fourteen days prior to the date of the meeting. Such conveyance to be valid shall be approved by a majority vote of the members of the quarterly conference of the Centre Methodist Episcopal Church of Fairhaven, present and voting at a conference held prior to or within three months after the date of posting said notice, and shall be accepted by a three fourths vote of the members of the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts, at a meeting thereof authorizing its acceptance in writing in behalf of the corporation upon the conditions set forth in this act. Upon the execution of such conveyance, and the recording

The Center Methodist Episcopal Church and Society in Fairhaven may convey property to the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts, etc.

The Center Methodist Episcopal

Church and Society in Fairhaven to be dissolved, etc.

thereof in the registry of deeds for the southern district of the county of Bristol, the said corporation of The Center Methodist Episcopal Church and Society in Fairhaven shall thereby be dissolved, and all the real estate and personal property of The Center Methodist Episcopal Church and Society in Fairhaven, and all of that which formerly belonged to the earlier religious society known as the Center Church and Society, in Fairhaven, and which society was succeeded by the Trustees of the Methodist Episcopal Church in Fairhaven, shall be vested in the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts; and said last named corporation shall thereby assume all the liabilities and obligations of The Center Methodist Episcopal Church and Society in Fairhaven.

Persons aggrieved may apply for a jury to determine damages.

SECTION 2. Any person aggrieved by the provisions of this act may at any time within six months after the conveyance aforesaid has been duly recorded apply by petition to the superior court for the county of Bristol to have his damages determined by a jury therein, or by or under the direction of said court; and all damages so awarded, with the costs of suit allowed by statute in civil actions, attending such award, shall be paid by the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts.

Trustees of Methodist Episcopal Church in Fairhaven to be dissolved.

SECTION 3. Upon the recording of the conveyance in said registry said Trustees of the Methodist Episcopal Church in Fairhaven, a religious corporation located at said Fairhaven, which was organized March thirty, eighteen hundred and forty-nine, and of which corporation the Trustees of the Centre Methodist Episcopal Church of Fairhaven, Massachusetts, is the successor, shall thereby be dissolved.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1904.

Chap. 438 AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, etc., as follows:

State tax apportioned and assessed.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say: —

State tax
apportioned
and assessed.

Abington, twenty-one hundred dollars.
 Acton, fifteen hundred dollars.
 Acushnet, five hundred and twenty-five dollars.
 Adams, forty-seven hundred dollars.
 Agawam, twelve hundred and fifty dollars.
 Alford, one hundred and fifty dollars.
 Amesbury, forty-four hundred dollars.
 Amherst, twenty-eight hundred and fifty dollars.
 Andover, forty-nine hundred dollars.
 Arlington, seventy-five hundred and fifty dollars.
 Ashburnham, eight hundred dollars.
 Ashby, five hundred and fifty dollars.
 Ashfield, four hundred and seventy-five dollars.
 Ashland, seven hundred and seventy-five dollars.
 Athol, thirty-five hundred and fifty dollars.
 Attleborough, seven thousand and fifty dollars.
 Auburn, six hundred and seventy-five dollars.
 Avon, seven hundred and fifty dollars.
 Ayer, thirteen hundred and twenty-five dollars.
 Barnstable, thirty-eight hundred and seventy-five dollars.
 Barre, twelve hundred dollars.
 Becket, four hundred dollars.
 Bedford, nine hundred and twenty-five dollars.
 Belchertown, seven hundred and twenty-five dollars.
 Bellingham, six hundred and fifty dollars.
 Belmont, forty-four hundred and seventy-five dollars.
 Berkley, three hundred and fifty dollars.
 Berlin, four hundred and fifty dollars.
 Bernardston, three hundred and fifty dollars.
 Beverly, fourteen thousand eight hundred and twenty-five
dollars.
 Billerica, nineteen hundred dollars.
 Blackstone, twenty-one hundred dollars.
 Blandford, three hundred and fifty dollars.
 Bolton, four hundred dollars.
 Boston, nine hundred thousand one hundred and twenty-five
dollars.
 Bourne, nineteen hundred and seventy-five dollars.
 Boxborough, one hundred and seventy-five dollars.
 Boxford, seven hundred and seventy-five dollars.
 Boylston, three hundred and seventy-five dollars.
 Braintree, four thousand dollars.
 Brewster, four hundred and fifty dollars.
 Bridgewater, twenty-two hundred dollars.
 Brimfield, three hundred and twenty-five dollars.
 Brockton, twenty-four thousand nine hundred and twenty-
five dollars.
 Brookfield, eleven hundred dollars.
 Brookline, seventy thousand one hundred and twenty-five
dollars.

State tax
apportioned
and assessed.

Buckland, five hundred dollars.
Burlington, four hundred and twenty-five dollars.
Cambridge, eighty thousand seven hundred and seventy-five dollars.
Canton, thirty-one hundred and twenty-five dollars.
Carlisle, three hundred dollars.
Carver, one thousand and twenty-five dollars.
Charlemont, three hundred and twenty-five dollars.
Charlton, one thousand and seventy-five dollars.
Chatham, eight hundred and twenty-five dollars.
Chelmsford, twenty-four hundred and twenty-five dollars.
Chelsea, nineteen thousand one hundred dollars.
Cheshire, five hundred and seventy-five dollars.
Chester, five hundred and twenty-five dollars.
Chesterfield, two hundred and fifty dollars.
Chicopee, eighty-two hundred dollars.
Chilmark, two hundred dollars.
Clarksburg, two hundred and fifty dollars.
Clinton, sixty-four hundred and fifty dollars.
Cohasset, fifty-two hundred dollars.
Colrain, five hundred and fifty dollars.
Concord, forty-four hundred and twenty-five dollars.
Conway, five hundred and seventy-five dollars.
Cottage City, eleven hundred and seventy-five dollars.
Cummington, two hundred and fifty dollars.
Dalton, twenty-seven hundred and twenty-five dollars.
Dana, three hundred dollars.
Danvers, forty-three hundred dollars.
Dartmouth, twenty-four hundred and twenty-five dollars.
Dedham, eighty-three hundred and twenty-five dollars.
Deerfield, eleven hundred and seventy-five dollars.
Dennis, nine hundred and seventy-five dollars.
Dighton, seven hundred and fifty dollars.
Douglas, nine hundred dollars.
Dover, eight hundred and twenty-five dollars.
Dracut, sixteen hundred and fifty dollars.
Dudley, eleven hundred and seventy-five dollars.
Dunstable, two hundred and fifty dollars.
Duxbury, fourteen hundred and seventy-five dollars.
East Bridgewater, fourteen hundred and seventy-five dollars.
East Longmeadow, four hundred and fifty dollars.
Eastham, two hundred and seventy-five dollars.
Easthampton, twenty-nine hundred and fifty dollars.
Easton, forty-one hundred and fifty dollars.
Edgartown, seven hundred and twenty-five dollars.
Egremont, three hundred and seventy-five dollars.
Enfield, six hundred and seventy-five dollars.
Erving, four hundred and seventy-five dollars.
Essex, nine hundred dollars.
Everett, sixteen thousand two hundred and fifty dollars.

State tax
apportioned
and assessed.

Fairhaven, twenty-four hundred dollars.
 Fall River, sixty-one thousand and twenty-five dollars.
 Falmouth, sixty-two hundred dollars.
 Fitchburg, twenty thousand two hundred and seventy-five dollars.
 Florida, one hundred and twenty-five dollars.
 Foxborough, fifteen hundred and seventy-five dollars.
 Framingham, seventy-seven hundred and seventy-five dollars.
 Franklin, twenty-eight hundred and twenty-five dollars.
 Freetown, seven hundred dollars.
 Gardner, fifty-two hundred and fifty dollars.
 Gay Head, twenty-five dollars.
 Georgetown, eight hundred dollars.
 Gill, three hundred and fifty dollars.
 Gloucester, sixteen thousand four hundred and twenty-five dollars.
 Goshen, one hundred and twenty-five dollars.
 Gosnold, one hundred and seventy-five dollars.
 Grafton, two thousand dollars.
 Granby, four hundred dollars.
 Granville, three hundred and twenty-five dollars.
 Great Barrington, forty-one hundred dollars.
 Greenfield, fifty-five hundred and seventy-five dollars.
 Greenwich, two hundred dollars.
 Groton, twenty-four hundred and fifty dollars.
 Groveland, eight hundred and seventy-five dollars.
 Hadley, nine hundred and twenty-five dollars.
 Halifax, two hundred and fifty dollars.
 Hamilton, twenty-two hundred and fifty dollars.
 Hampden, three hundred and twenty-five dollars.
 Hancock, two hundred and twenty-five dollars.
 Hanover, eleven hundred and fifty dollars.
 Hanson, six hundred dollars.
 Hardwick, thirteen hundred and twenty-five dollars.
 Harvard, nine hundred dollars.
 Harwich, nine hundred and fifty dollars.
 Hatfield, ten hundred and seventy-five dollars.
 Haverhill, twenty-one thousand four hundred and twenty-five dollars.
 Hawley, one hundred and twenty-five dollars.
 Heath, one hundred and twenty-five dollars.
 Hingham, thirty-six hundred and seventy-five dollars.
 Hinsdale, five hundred and twenty-five dollars.
 Holbrook, eleven hundred and seventy-five dollars.
 Holden, eleven hundred and twenty-five dollars.
 Holland, fifty dollars.
 Holliston, twelve hundred and seventy-five dollars.
 Holyoke, thirty-two thousand two hundred and seventy-five dollars.
 Hopedale, thirty-eight hundred and fifty dollars.

State tax
apportioned
and assessed.

Hopkinton, thirteen hundred and seventy-five dollars.
Hubbardston, five hundred and twenty-five dollars.
Hudson, twenty-eight hundred dollars.
Hull, three thousand and twenty-five dollars.
Huntington, five hundred dollars.
Hyde Park, ninety-two hundred dollars.
Ipswich, thirty-two hundred and fifty dollars.
Kingston, twelve hundred and seventy-five dollars.
Lakeville, five hundred dollars.
Lancaster, twenty-seven hundred dollars.
Lanesborough, three hundred and seventy-five dollars.
Lawrence, thirty-three thousand nine hundred and twenty-five dollars.
Lee, sixteen hundred dollars.
Leicester, two thousand dollars.
Lenox, thirty-two hundred and fifty dollars.
Leominster, seventy-four hundred dollars.
Leverett, two hundred and fifty dollars.
Lexington, forty-six hundred and seventy-five dollars.
Leyden, one hundred and seventy-five dollars.
Lincoln, nineteen hundred and fifty dollars.
Littleton, seven hundred and seventy-five dollars.
Longmeadow, eight hundred and twenty-five dollars.
Lowell, fifty-eight thousand and fifty dollars.
Ludlow, eighteen hundred and twenty-five dollars.
Lunenburg, seven hundred and twenty-five dollars.
Lynn, forty-three thousand three hundred and twenty-five dollars.
Lynnfield, five hundred and seventy-five dollars.
Malden, twenty-four thousand seven hundred and twenty-five dollars.
Manchester, eighty-five hundred and fifty dollars.
Mansfield, seventeen hundred and twenty-five dollars.
Marblehead, fifty-five hundred and fifty dollars.
Marion, eleven hundred and seventy-five dollars.
Marlborough, seventy-six hundred and fifty dollars.
Marshfield, thirteen hundred dollars.
Mashpee, one hundred and fifty dollars.
Mattapoisett, thirteen hundred and fifty dollars.
Maynard, twenty-six hundred dollars.
Medfield, twelve hundred and fifty dollars.
Medford, sixteen thousand two hundred dollars.
Medway, eleven hundred and fifty dollars.
Melrose, eleven thousand six hundred and twenty-five dollars.
Mendon, five hundred dollars.
Merrimac, ten hundred and fifty dollars.
Methuen, four thousand and twenty-five dollars.
Middleborough, thirty-five hundred and twenty-five dollars.
Middlefield, one hundred and fifty dollars.
Middleton, four hundred and seventy-five dollars.

Milford, fifty-one hundred and fifty dollars.
 Millbury, eighteen hundred and twenty-five dollars.
 Millis, five hundred and fifty dollars.
 Milton, seventeen thousand five hundred and twenty-five dollars.
 Monroe, one hundred and twenty-five dollars.
 Monson, sixteen hundred and seventy-five dollars.
 Montague, thirty-one hundred dollars.
 Monterey, two hundred dollars.
 Montgomery, one hundred dollars.
 Mount Washington, seventy-five dollars.
 Nahant, fifty-one hundred and twenty-five dollars.
 Nantucket, twenty-six hundred dollars.
 Natick, fifty-one hundred dollars.
 Needham, thirty-one hundred and seventy-five dollars.
 New Ashford, fifty dollars.
 New Bedford, forty-nine thousand six hundred and twenty-five dollars.
 New Braintree, three hundred and twenty-five dollars.
 New Marlborough, four hundred and fifty dollars.
 New Salem, two hundred and seventy-five dollars.
 Newbury, nine hundred and seventy-five dollars.
 Newburyport, eighty-eight hundred and fifty dollars.
 Newton, fifty thousand two hundred and fifty dollars.
 Norfolk, five hundred dollars.
 North Adams, eleven thousand eight hundred dollars.
 North Andover, forty-one hundred dollars.
 North Attleborough, thirty-four hundred dollars.
 North Brookfield, thirteen hundred and fifty dollars.
 North Reading, five hundred and twenty-five dollars.
 Northampton, ten thousand one hundred and fifty dollars.
 Northborough, ten hundred and fifty dollars.
 Northbridge, thirty-eight hundred and fifty dollars.
 Northfield, one thousand dollars.
 Norton, eight hundred dollars.
 Norwell, nine hundred and seventy-five dollars.
 Norwood, four thousand and fifty dollars.
 Oakham, two hundred and seventy-five dollars.
 Orange, twenty-nine hundred dollars.
 Orleans, five hundred and twenty-five dollars.
 Otis, two hundred dollars.
 Oxford, thirteen hundred and seventy-five dollars.
 Palmer, twenty-six hundred and fifty dollars.
 Paxton, two hundred and twenty-five dollars.
 Peabody, sixty-six hundred dollars.
 Pelham, one hundred and seventy-five dollars.
 Pembroke, six hundred and seventy-five dollars.
 Pepperell, seventeen hundred and seventy-five dollars.
 Peru, one hundred dollars.
 Petersham, five hundred and fifty dollars.

State tax
 apportioned
 and assessed.

State tax
apportioned
and assessed.

Phillipston, two hundred and twenty-five dollars.
Pittsfield, thirteen thousand eight hundred and twenty-five dollars.
Plainfield, one hundred and fifty dollars.
Plymouth, seventy-three hundred and seventy-five dollars.
Plympton, two hundred and seventy-five dollars.
Prescott, one hundred and fifty dollars.
Princeton, seven hundred dollars.
Provincetown, sixteen hundred and twenty-five dollars.
Quincy, eighteen thousand and fifty dollars.
Randolph, eighteen hundred and twenty-five dollars.
Raynham, six hundred and seventy-five dollars.
Reading, thirty-six hundred and fifty dollars.
Rehoboth, six hundred and fifty dollars.
Revere, eighty-eight hundred and fifty dollars.
Richmond, two hundred and seventy-five dollars.
Rochester, four hundred dollars.
Rockland, twenty-seven hundred and twenty-five dollars.
Rockport, twenty-three hundred and fifty dollars.
Rowe, one hundred and fifty dollars.
Rowley, six hundred and twenty-five dollars.
Royalston, four hundred and seventy-five dollars.
Russell, four hundred dollars.
Rutland, five hundred and fifty dollars.
Salem, twenty-three thousand and eight hundred dollars.
Salisbury, six hundred and fifty dollars.
Sandisfield, two hundred and fifty dollars.
Sandwich, seven hundred and seventy-five dollars.
Saugus, thirty-two hundred and twenty-five dollars.
Savoy, one hundred and fifty dollars.
Scituate, twenty-four hundred and seventy-five dollars.
Seekonk, eight hundred dollars.
Sharon, fifteen hundred and twenty-five dollars.
Sheffield, seven hundred and seventy-five dollars.
Shelburne, seven hundred and fifty dollars.
Sherborn, six hundred and fifty dollars.
Shirley, seven hundred and fifty dollars.
Shrewsbury, ten hundred and fifty dollars.
Shutesbury, one hundred and fifty dollars.
Somerset, nine hundred and twenty-five dollars.
Somerville, forty-four thousand dollars.
South Hadley, twenty-two hundred and seventy-five dollars.
Southampton, four hundred dollars.
Southborough, fourteen hundred dollars.
Southbridge, forty-two hundred and seventy-five dollars.
Southwick, four hundred and twenty-five dollars.
Spencer, thirty-one hundred and twenty-five dollars.
Springfield, sixty-one thousand eight hundred and fifty dollars.
Sterling, seven hundred dollars.
Stockbridge, twenty-seven hundred and seventy-five dollars.

Stoneham, thirty-nine hundred and seventy-five dollars.
 Stoughton, twenty-six hundred and fifty dollars.
 Stow, six hundred and twenty-five dollars.
 Sturbridge, eight hundred dollars.
 Sudbury, nine hundred and fifty dollars.
 Sunderland, four hundred dollars.
 Sutton, ten hundred and twenty-five dollars.
 Swampscott, seventy-six hundred and twenty-five dollars.
 Swansea, one thousand dollars.
 Taunton, eighteen thousand two hundred and twenty-five dollars.
 Templeton, thirteen hundred dollars.
 Tewksbury, fourteen hundred dollars.
 Tisbury, eight hundred and twenty-five dollars.
 Tolland, one hundred and twenty-five dollars.
 Topsfield, eight hundred and twenty-five dollars.
 Townsend, nine hundred and seventy-five dollars.
 Truro, three hundred dollars.
 Tyngsborough, four hundred dollars.
 Tyringham, one hundred and seventy-five dollars.
 Upton, nine hundred dollars.
 Uxbridge, twenty-one hundred and seventy-five dollars.
 Wakefield, sixty-three hundred and fifty dollars.
 Wales, two hundred and fifty dollars.
 Walpole, twenty-three hundred and seventy-five dollars.
 Waltham, seventeen thousand three hundred and fifty dollars.
 Ware, thirty-seven hundred and fifty dollars.
 Wareham, twenty-three hundred and twenty-five dollars.
 Warren, sixteen hundred and fifty dollars.
 Warwick, two hundred and fifty dollars.
 Washington, two hundred dollars.
 Watertown, ninety-four hundred and fifty dollars.
 Wayland, fourteen hundred and fifty dollars.
 Webster, fifty-two hundred and seventy-five dollars.
 Wellesley, eighty-three hundred and twenty-five dollars.
 Wellfleet, seven hundred and fifty dollars.
 Wendell, two hundred dollars.
 Wenham, twenty-six hundred dollars.
 West Boylston, six hundred and twenty-five dollars.
 West Bridgewater, eight hundred and seventy-five dollars.
 West Brookfield, seven hundred dollars.
 West Newbury, eight hundred and seventy-five dollars.
 West Springfield, forty-six hundred dollars.
 West Stockbridge, three hundred and fifty dollars.
 West Tisbury, three hundred and twenty-five dollars.
 Westborough, twenty-three hundred and fifty dollars.
 Westfield, seventy-one hundred dollars.
 Westford, fifteen hundred and twenty-five dollars.
 Westhampton, two hundred dollars.
 Westminster, six hundred and twenty-five dollars.

State tax
 apportioned
 and assessed.

State tax
apportioned
and assessed.

Weston, forty-eight hundred and twenty-five dollars.
Westport, thirteen hundred and fifty dollars.
Westwood, fifteen hundred and seventy-five dollars.
Weymouth, fifty-six hundred dollars.
Whately, three hundred and seventy-five dollars.
Whitman, thirty-one hundred dollars.
Wilbraham, eight hundred dollars.
Williamsburg, seven hundred and fifty dollars.
Williamstown, twenty-two hundred dollars.
Wilmington, nine hundred and twenty-five dollars.
Winchendon, twenty-four hundred dollars.
Winchester, seventy-eight hundred and twenty-five dollars.
Windsor, one hundred and seventy-five dollars.
Winthrop, sixty-three hundred and fifty dollars.
Woburn, eighty-six hundred and seventy-five dollars.
Worcester, ninety-six thousand nine hundred and seventy-five dollars.
Worthington, two hundred and fifty dollars.
Wrentham, thirteen hundred and fifty dollars.
Yarmouth, fifteen hundred dollars.

Treasurer to
issue warrant.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of chapter twelve of the Revised Laws, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Payment of
assessments.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year nineteen hundred and four, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year nineteen hundred and four.

Notice to
treasurers of
delinquent
cities and
towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city

or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the tenth day of December in the year nineteen hundred and four; and if the same remains unpaid after the first day of January in the year nineteen hundred and five, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1904.

AN ACT TO PROVIDE FOR AN ADDITIONAL CLERK IN THE DEPARTMENT OF THE ADJUTANT GENERAL.

Chap. 439

Be it enacted, etc., as follows:

Section fourteen of chapter sixteen of the Revised Laws is hereby amended by striking out the word "five", in the second line, and inserting in place thereof the word:—six,—by striking out the words "a second clerk", in the third and fourth lines, and inserting in place thereof the word:—one,—by striking out the words "an additional clerk", in the fourth and fifth lines, and inserting in place thereof the word:—one,—by striking out the word "and", in the fifth line; and by inserting after the word "year", in the sixth line, the words:—and one at a salary of one thousand dollars a year,—so as to read as follows:—*Section 14.* The adjutant general shall receive a salary of three thousand six hundred dollars a year, and may employ six clerks,—one at a salary of twenty-two hundred dollars a year, one at a salary of sixteen hundred dollars a year, one at a salary of two thousand dollars a year, two at a salary of twelve hundred dollars each a year, and one at a salary of one thousand dollars a year,—and a messenger at a salary of eight hundred dollars a year. He may employ such additional clerks and other assistants as may be necessary in his department, and in the quartermasters' and ordnance bureau, at an expense in all not exceeding six thousand three hundred dollars a year.

R. L. 16, § 14,
amended.

Salary of
adjutant gen-
eral, clerks,
etc.

Approved June 8, 1904.

Chap.440 AN ACT TO AUTHORIZE THE COMMITTEE ON WAYS AND MEANS OF THE HOUSE OF REPRESENTATIVES TO EMPLOY CLERICAL ASSISTANCE.

Be it enacted, etc., as follows :

Committee on ways and means, house of representatives, may employ clerical assistance.

SECTION 1. The committee on ways and means of the house of representatives is hereby authorized to employ, each year, the first clerk in the auditor's department, for such clerical services as they may require, and to fix his compensation therefor, the same to be paid out of the appropriation for the expenses of committees; and the first clerk is hereby authorized to perform such services and to receive such compensation, in addition to his regular salary as first clerk, anything to the contrary in the general laws of the Commonwealth notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1904.

Chap.441 AN ACT TO LIMIT AND DEFINE THE AUTHORITY OF STREET RAILWAY COMPANIES TO ACT AS COMMON CARRIERS.

Be it enacted, etc., as follows :

1903, 202, § 1, amended.

Section one of chapter two hundred and two of the acts of the year nineteen hundred and three is hereby amended by striking out all after the word "freight", in the second line, to and including the word "companies", in the tenth line, and inserting in place thereof the words:— in such cases, upon such parts of their railways, and to such extent, in any city or town as, after public notice and a hearing upon the petition of the company or any interested party, the board of aldermen or the selectmen, or those exercising the powers of such board or of selectmen, in such city or town, shall by order approve: *provided, however,* that a company shall actually engage in the business of a common carrier under authority of this act only in such of the cases, upon such of the parts of its railway, and to so much of the extent, approved as aforesaid, as the board of railroad commissioners shall certify, after public notice and a hearing upon the petition of the company or any interested party, that public necessity and convenience require; and *provided, further,* that any company acting under authority hereof, — and by adding at

the end of said section the words : — so far as they shall be consistent herewith and with said regulations and restrictions, — so as to read as follows : — *Section 1.* Street railway companies are hereby authorized to act as common carriers of baggage and freight in such cases, upon such parts of their railways, and to such extent, in any city or town as, after public notice and a hearing upon the petition of the company or any interested party, the board of aldermen or the selectmen, or those exercising the powers of such board or of selectmen, in such city or town, shall by order approve : *provided, however,* that a company shall actually engage in the business of a common carrier under authority of this act only in such of the cases, upon such of the parts of its railway, and to so much of the extent, approved as aforesaid, as the board of railroad commissioners shall certify, after public notice and a hearing upon the petition of the company or any interested party, that public necessity and convenience require; and *provided, further,* that any company acting under authority hereof shall be subject to such regulations and restrictions as may from time to time be made by the local authorities aforesaid, with the approval of the board of railroad commissioners, and shall also be subject to the provisions of all laws now or hereafter in force relating to common carriers so far as they shall be consistent herewith and with said regulations and restrictions. *Approved June 8, 1904.*

Street railway companies may act as common carriers of baggage, etc.

Provisos.

AN ACT RELATIVE TO THE ASSESSMENT OF TAXES UPON CORPORATIONS AND TO THE ABATEMENT THEREOF.

Chap. 442

Be it enacted, etc., as follows :

SECTION 1. Whenever an abatement is finally made to any corporation organized under the law of this Commonwealth and liable to a corporate franchise tax upon any tax assessed by the assessors of any city or town, upon or in respect of real estate, machinery or underground conduits, wires and pipes, the assessors, commissioners or court granting such abatement shall forthwith notify the tax commissioner of the Commonwealth thereof, and shall state in such notice what sum was determined by such assessors, commissioners or court to have been the full and fair cash value of such real estate, machinery or underground conduits, wires and pipes on the first day of May on which the tax so abated was originally assessed.

Tax commissioner to be notified of abatement of taxes to certain corporations.

Additional tax
to be assessed
upon corpo-
rate franchise
value, etc.

SECTION 2. When the tax commissioner has received notice of an abatement of the taxes of any corporation as provided in section one of this act, he shall assess upon such corporation an additional tax upon the corporate franchise value of such corporation, in such amount as shall make the total franchise tax equal that which would have been assessed by said commissioner had the valuation as established by said abatement been adopted by him when making his original assessment upon the corporate franchise value of such corporation, which said additional tax shall be paid and collected as an addition to the franchise tax next to be assessed and laid upon said corporation after such abatement, and such additional tax, when collected, shall be distributed as if it were part of said original tax.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1904.

Chap. 443 AN ACT RELATIVE TO TAKING LAND IN CERTAIN CASES BY RIGHT OF EMINENT DOMAIN.

Be it enacted, etc., as follows:

Certain words
defined.

SECTION 1. The words "public work" in this act mean any public highway, square, open space, public playground or park.

Proviso.

The words "Commonwealth" and "city", as used in this act, include, respectively, the officers and boards authorized by law to take on behalf of the Commonwealth or of any city land for a public work, as above defined, and said words shall be interpreted as referring to such officers and boards when the context so admits, but they are limited in each particular case to the officers or board authorized to take land for a public work of the same nature as that with regard to which they may act hereunder: *provided, however*, that when the approval, concurrence or consent of, or any other action by, any officer, officers or board is required by any law in force at the time in order to authorize a taking or sale or an abandonment by the officers or board primarily acting in making the taking, sale or abandonment, such approval, concurrence, consent or other action shall be necessary in the case of a taking, sale or abandonment under this act, and all the provisions of such law shall apply to the same and to the manner of giving or doing it.

The word "owner", as used in this act, shall mean and include owner and owners of record: *provided, however, that* Word "owner" defined. Proviso.

(1) Where any parcel is owned by more than one person the ownership thereof may be designated on any plan filed under the provisions of this act by the name of one of such persons followed by the words "and others", or other equivalent words;

(2) Where the title to any parcel or interest therein is of record in the heirs or devisees of a deceased person, no conveyance of the same having been made since the death of such person, the ownership of such parcel may be designated on such plan or in a memorandum or decree accompanying and mentioning the same as the "Estate of" such deceased person;

(3) The owner or owners of any parcel shown on such plan or mentioned in the memorandum or decree accompanying such plan may be taken for the purposes of this act to be, respectively, the owner or owners of record of such parcel two weeks before the date of the filing of such memorandum or of the memorandum with regard to the taking provided for in such decree.

SECTION 2. The Commonwealth, or any city in the Commonwealth so far as the territory within its limits is concerned, may in the manner hereinafter set forth, take in fee by right of eminent domain the whole of any estate, part of which is actually required for the laying out, alteration or location by it of any public work, if the remnant left after taking such part would from its size or shape be unsuited for the erection of suitable and appropriate buildings, and if public convenience and necessity require such taking. Certain estates may be taken by right of eminent domain.

SECTION 3. Where the Commonwealth or a city proposes to take land as above provided there shall be a public hearing in any case where the Commonwealth or the city is required by any law in force at the time to have such a hearing before taking land for a public work of the same nature as that with regard to which it is proposed to take land under this act, and such notice of the hearing shall be given as is required by such law. If, after such a hearing, the Commonwealth or city determines that a taking should be made it shall proceed to carry out the taking in accordance with the provisions of this act, and its so doing shall be an adjudication that the Public hearing to be given in certain cases, etc.

Taking of land, etc.

taking of the land for the public work is required by public necessity and convenience and also, subject to the right of appeal given by section six, that the remnants outside the boundaries of the proposed public work are unsuited for the erection of suitable and appropriate buildings, and that public necessity and convenience require their taking. In case no law in force at the time requires a hearing to be given as aforesaid, the filing by the Commonwealth or by the city of a plan and memorandum as provided in section five shall be an adjudication to the same effect.

Plan, etc., to be prepared.

SECTION 4. When a taking is to be made either after a hearing or without a hearing, if no hearing is required under the provisions of the last section, the Commonwealth or the city, as the case may be, shall cause to be prepared a plan and a memorandum referring to said plan showing : —

(1) The land intended to be taken for the proposed public work, and the dimensions and area of each parcel included therein.

(2) The land which it is desired to take outside the boundaries of the proposed public work, and the dimensions and area of each parcel thereof.

(3) The owner of each parcel which it is desired to take, the buildings or other structures upon the same, and the grade of such parcels and of the proposed public work.

Plan, etc., to be filed in registry of deeds, notice to be served on owners of land, etc.

SECTION 5. The Commonwealth or the city shall file such plan and memorandum (which last shall also be recorded and indexed) in the registry of deeds for the district wherein the land is situated; and shall within seven days of said filing cause notice of its intention to take such land to be served on each owner of a parcel which it is proposed to take, by posting the notice in a conspicuous place on such parcel and by publishing the same once in each of two successive weeks in a daily newspaper, if there be any, published in the city in which such parcel lies, otherwise in a newspaper published in the county in which such parcel lies, and also by mailing such notice to every such owner whose address is known, by registered letter; and no damages shall be assessed for any building erected on said land subsequent to such filing, or for any subsequent alterations or additions to any building.

SECTION 6. The owner of any land of which it is proposed to take any part which lies outside the boundaries of the public work may within thirty days after the date of such filing appeal to the superior court for the county in which said land is situated, from so much of the order under which said taking is made as relates to land outside said boundaries; and on such appeal the court shall appoint a commission of one member or three members to examine and report to the court as to whether such remnants or any of them are unsuited for the erection of suitable and appropriate buildings, and as to the public necessity and convenience of the proposed taking outside said boundaries.

Owner of land may appeal to superior court, etc.

Commission to be appointed, etc.

SECTION 7. The commission appointed pursuant to the preceding section shall hear the parties in interest, shall give such notice of the time and place of its hearings as the court may have directed in the order appointing it, and shall report to the court within three months after its appointment. It may in its report recommend changes in the proposed plan by omitting any remnants the taking of which may have been asked for, or by adding any remnants the taking of which may not have been asked for, or otherwise in respect to so much of the proposed taking as is outside the boundaries of the public work. The commission shall submit with its report an estimate of the total damages to be paid for land taken outside said boundaries, in case a taking is made beyond said boundaries to such extent as it may recommend, and of the sum the Commonwealth or city may reasonably expect to realize by the re-sale of the parcels taken beyond such boundaries. The commission may, with the approval of the court, employ experts to advise it on technical questions and on questions relating to the values of estates.

Powers and duties of commission.

Experts may be employed.

SECTION 8. On the filing of the report of the commission, the court shall order notice thereof to be given to each owner of a parcel of land proposed to be taken outside the boundaries of the public work, in such manner as it may determine, and at any time after the date set by said notice the court may proceed to a hearing on the appeal, and after such hearing may decree the taking of such parcels of land without said boundaries as it may determine, but shall not decree the taking of any such land unless the taking thereof be shown on the plan originally filed or be recommended by the report of the

Hearing on appeal, etc.

commission appointed under section six. The decree of the court, if it orders any land to be taken, shall be accompanied by a plan therein referred to approved by the court and showing the taking decreed.

Court may permit an appeal by not less than ten taxpayers in certain cases, etc.

SECTION 9. The court may in its discretion at any time before the expiration of the thirty days allowed for appeal in section six, permit not less than ten taxpayers of the Commonwealth, if a taking under this act is made by the Commonwealth, or not less than ten taxpayers of the city in which the land is situated, if the taking is made by a city, to appeal from so much of the order under which said taking is made as relates to land outside the boundaries of the public work, or may at any time while an appeal taken by an owner under section six is pending, permit such taxpayers to appear and be heard by counsel and to present evidence and examine witnesses before the commission and the court in relation to such appeal.

Copy of decree, etc., to be filed, etc.

SECTION 10. A certified copy of the decree, and if any land is to be taken, of the accompanying plan, shall, within fourteen days after the making of the decree, be filed in the registry of deeds for the district within which the land in question is situated, and the decree shall be recorded and indexed. When the decree ordering a taking is so filed it shall constitute a taking of the land decreed to be taken.

When possession of land may be taken, etc.

SECTION 11. The Commonwealth or the city shall not take possession of the land proposed to be taken outside the boundaries of the public work, nor enter thereon except for the purpose of preliminary examinations and surveys, in any event until the thirty days allowed by section six for an appeal have expired; and, if such an appeal is taken, until the making of a decree by the court as provided in section eight and the filing thereof as provided in section ten.

Award of damages, etc.

SECTION 12. In any case where the Commonwealth or the city is required by any law in force at the time to award damages for land taken or proposed to be taken for a public work of the same nature as that with regard to which it is proposed to take land under this act, no plan or memorandum shall be filed under the provisions of section five unless and until damages have been so awarded; and the provisions of such law shall apply to the making of such award. In awarding damages as aforesaid the Commonwealth or the city shall make separate awards for

different parts of the same parcel proposed to be taken and respectively within and outside the boundaries of the proposed public work.

SECTION 13. Damages for land taken pursuant to this act shall be assessed and recovered as in the case of land taken for highways; and any owner part of whose land is taken may, with regard to any other part of his land outside of the boundaries of the public work which was proposed to be taken and which is not taken, recover damages sustained by reason of preliminary surveys and examinations and damages for deprivation of the use of land as provided in section five, in the same proceeding in which he recovers damages for said part of his land taken.

Assessment,
etc., of
damages.

SECTION 14. Any laws at the time in force providing for raising or obtaining money to pay for land taken for a public work of the same nature as that for which land is taken or purchased under the provisions of this act shall apply with regard to raising or obtaining money to pay damages awarded or recovered under the provisions of sections twelve and thirteen or for land purchased under the provisions of section nineteen.

Certain provisions of law
to apply.

SECTION 15. The Commonwealth or the city, as the case may be, shall determine within six months after the completion of any public work for which land is taken under this act, or within six months after the filing of a final decree on an appeal taken under this act, whichever shall happen later, with which of the adjoining properties the public interests require that each parcel of land, if any, taken outside the boundaries of the public work should be united; and shall, within said six months, notify the owner of such adjoining property, if his address is known, of this decision by registered letter mailed to such owner, and shall annex to the notice a copy of this section.

Commonwealth or city
to determine
with which
adjoining
property certain
land
should be
united, etc.

Owner of
adjoining
property to be
notified.

SECTION 16. If such owner or some person on his behalf shall within two weeks from the mailing of such notice notify in writing the Commonwealth or the city that such owner wishes for an appraisal of such parcel, the Commonwealth or the city shall cause such parcel to be appraised by three competent and disinterested persons, one of whom shall be appointed by the Commonwealth or the city, one by said owner and one by the superior court for the county: *provided, however*, that the Commonwealth or the city and said owner may in writing appoint a sole appraiser. Said appraiser or appraisers shall forthwith

Certain parcels
of land to be
appraised, etc.

Proviso.

after his or their appointment view the property and determine the fair value of such parcel, and shall make written report to the Commonwealth or the city of the same. The reasonable fees and expenses of the appraiser or appraisers shall be paid by the Commonwealth or the city. The Commonwealth or the city shall forthwith by writing mailed to such owner offer such parcel to such owner at the value as determined by the report of a majority of such appraisers, or by that of the sole appraiser in case of the appointment of one appraiser.

Land may be offered at value determined by appraisers, etc.

Conveyance of land.

SECTION 17. If such owner shall in writing accept said offer within two weeks after the date when the same is mailed to such owner, the Commonwealth or the city shall convey such parcel to such owner on payment of the purchase money to the Commonwealth or the city as the case may be within thirty days after the acceptance of the offer. The conveyance shall be by deed, with or without covenants of title and warranty, executed and acknowledged in the name and behalf of the Commonwealth or the city by the officers or board which have or has taken such parcel, or by their or its successors or successor, and may be made subject to such restrictions as the Commonwealth or city may in writing have notified the appraisers or appraiser at the time of their or his appointment would be imposed on such parcel.

Land may be sold at public auction, etc.

SECTION 18. If such owner fails to accept the offer within the time limited, or having accepted it fails to make payment or tender of the purchase money within one month thereafter, the Commonwealth or the city, if it does not take said adjoining property under the provisions of section twenty-nine, may at any time thereafter sell such parcel at public auction.

The Commonwealth or city may acquire certain land, etc.

SECTION 19. The Commonwealth or the city may acquire by gift or purchase any land the taking of which may be authorized by this act, and shall hold and dispose of the same as in the case of land taken under this act.

Compensation and expenses of commissioners, etc.

SECTION 20. The court shall fix the compensation and expenses of the commissioners appointed under section six, including in such expenses the compensation of any expert or experts employed under the provisions of section seven; and the amount so fixed shall be paid by the county.

Restrictions on erection or alteration of buildings to

SECTION 21. Where the court, as provided in section eight, decrees the taking of part but not all of the land

shown as proposed to be taken on a plan filed in accordance with section five and outside the boundaries of the proposed public work, or decrees that none of such land shall be taken, the restrictions on the erection or alteration of buildings on such land or part thereof not taken, and as to making additions thereto, imposed by section five shall cease and determine from the date of the filing of the decree.

cease in certain cases.

SECTION 22. A city may at any time, by proceedings under chapter forty-eight of the Revised Laws and acts in amendment thereof and in addition thereto or under any act giving it power to lay out, alter, relocate or widen ways, or in connection with proceedings under this act, take in fee any land in which it has previously taken or acquired an easement for a public highway, or may acquire such fee by gift or purchase.

City may take certain land for a public highway.

SECTION 23. In the case of any public work for which land is taken under this act, betterments may be assessed upon any property not taken in cases where any law in force at the time authorizes their assessment when land is taken for a public work of the same nature as that for which it is taken under this act. Such betterments shall be assessed in accordance with the provisions of such law.

Betterments may be assessed in certain cases.

SECTION 24. The powers conferred by this act shall be in addition to those conferred on public officers and boards by existing law, and shall apply in the case of any public work situate within the limits of any city, notwithstanding any limitations with regard to taking, laying out, widening, relocating or altering highways or other public works in the city of Boston or elsewhere.

Powers conferred to be in addition to those conferred on public officers, etc., by existing law, etc.

SECTION 25. Whenever there is a taking under the provisions of this act of land within the boundaries of a public work, such taking shall be effectual as of the date of the filing under the provisions of section five of the plan described in that section; and whenever there is a taking of land outside of such boundaries either by reason of the time allowed by section six for an appeal having elapsed without such an appeal being made, or by a decree made as provided in section eight and filed as provided in section ten, the last mentioned taking shall relate back and become effectual as of the date of the filing of said plan as provided in section five.

Taking of land to be effectual as of certain date, etc.

SECTION 26. The posting, publication, mailing or serving of notices under this act may be done by any officer

Posting, publication, etc., of notices.

or member of a board acting on behalf of the Commonwealth or city with regard to the taking in connection with which the notice is given, or member of a commission appointed under the provisions of this act, or his or their servants or agents. Such posting, publishing, mailing or serving may be done by copy and the return thereof by any such officer or member of a board or commission shall be conclusive evidence of such posting, publication, mailing or service. Such a return may be recorded in any registry of deeds in which any of the land included in such taking lies, but such record shall not be necessary to the conclusiveness of such return.

Recording of decrees, taking of appeals, etc., when land taken lies in more than one county, etc.

SECTION 27. In case the land included in the same taking or proposed taking under this act lies in two or more counties or districts, the memorandum, plans and decrees with regard thereto shall be recorded in the registries of deeds for each district; but where land proposed to be taken outside the boundaries of the public work lies in more than one county an appeal from the action of the Commonwealth or city as provided in section six shall be taken in one county only, and appeals with regard to land lying in the other county or counties shall be taken in the same proceeding in which an appeal is first made. If an appeal is made in two or more counties at the same time it shall be prosecuted in the court for the county in which the greater part of the area of the land proposed to be taken lies.

Certain land may be abandoned, etc.

SECTION 28. The Commonwealth or city, as the case may be, may by deed executed, acknowledged and recorded according to the laws of the Commonwealth, abandon any land taken by it under the provisions of this act, and such abandonment shall revest the title thereof, as if it had never been taken, in the persons, their heirs and assigns, in whom it was vested at the time of the taking. Such an abandonment may be pleaded in reduction of damages in any suit therefor on account of such taking.

Certain land may be sold by public auction, etc.

SECTION 29. If the owner of property adjoining a parcel taken under this act and outside the boundaries of a public work fails to accept an offer to sell such parcel to such owner made under the provisions of section sixteen, or, having accepted such offer, fails to make payment or tender of the purchase money within thirty days thereafter, the Commonwealth or city shall cause such parcel to be sold by public auction, subject to such restrictions as the Com-

monwealth or city may impose. Land sold under this section shall be conveyed to the purchaser in the same manner as land conveyed under the provisions of section seventeen.

SECTION 30. This act shall take effect upon its passage.

Approved June 8, 1904.

AN ACT TO PROHIBIT DEPREDACTIONS ON FARM AND FOREST LANDS. *Chap. 444*

Be it enacted, etc., as follows :

SECTION 1. Section ninety-nine of chapter two hundred and eight of the Revised Laws is hereby amended by striking out the word "fruit", in the fifth line, and inserting in place thereof the words:—nuts, berries, grapes or fruit of any kind,—and by inserting after the word "land", in the seventh line, the words:—or cuts or takes therefrom any ferns, flowers or shrubs,—so as to read as follows:—*Section 99.* Whoever wilfully cuts down or destroys timber or wood standing or growing on the land of another, or carries away any kind of timber or wood cut down or lying on such land, or digs up or carries away stone, ore, gravel, clay, sand, turf or mould from such land, or roots, nuts, berries, grapes or fruit of any kind or any plant there being, or cuts down or carries away sedge, grass, hay or any kind of corn, standing, growing or being on such land, or cuts or takes therefrom any ferns, flowers or shrubs, or carries away from a wharf or landing place any goods in which he has no interest or property, without the license of the owner thereof, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars, and if the offence is committed on the Lord's day or in disguise or secretly in the night time the imprisonment shall not be less than five days nor the fine less than five dollars.

R. L. 208, § 99,
amended.

Penalty for
cutting timber,
wood, shrubs,
etc., on land of
another.

SECTION 2. The secretary of the state board of agriculture shall cause to be printed such extracts from sections ninety-one, ninety-nine, one hundred and five, one hundred and six, one hundred and eleven and one hundred and twenty-one of chapter two hundred and eight of the Revised Laws as in his opinion will tend to prevent depredations on farm and forest lands.

Extracts from
certain acts to
be printed, etc.

SECTION 3. It shall be the duty of the said secretary to cause copies of said extracts to be printed on durable material, suitable to be affixed to trees or otherwise to be

Copies of
extracts to be
furnished to
persons
applying, etc.

posted in the open air, to furnish not exceeding five copies in any one year without charge to any reputable person applying therefor, and annually on or before the first day of April, to send one such copy to each post office in the Commonwealth.

Approved June 8, 1904.

Chap. 445 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DAM ACROSS THE MYSTIC RIVER AT CRADOCK BRIDGE IN THE CITY OF MEDFORD AND TO PROVIDE FOR A REPORT ON THE PURIFICATION OF MYSTIC RIVER, ALEWIFE BROOK, AND THE ADJACENT WATER COURSES, PONDS AND DRAINAGE AREAS.

Be it enacted, etc., as follows :

Metropolitan park commission to build, etc., a dam across Mystic river, etc.

SECTION 1. The metropolitan park commission is hereby authorized to build, maintain and care for a dam across Mystic river at or near Cradock bridge in the city of Medford, with suitable gates, sluices and machinery for operating the same and with weirs, rollways, locks and other apparatus and devices for passing over and around the dam : *provided, however*, that the plans therefor shall first be approved by the board of harbor and land commissioners, and by the United States government, and by the state board of health as to the plans being consistent with the improvement and purification of Mystic river and Alewife brook.

Proviso.

State board of health to prepare, etc., plans for purifying Mystic river, etc.

SECTION 2. The state board of health is hereby directed to prepare and report to the next general court a method and plans for purifying Mystic river, Alewife brook and the adjacent water courses, ponds and drainage areas, with due regard to the purposes indicated in chapter three hundred and twenty-seven of the acts of the year nineteen hundred and three and to the plans of the metropolitan park commission for park developments within the said region, and in conference with the commission appointed under said chapter. For these purposes said board may employ such clerical, engineering and other assistance, and may print such copies of its report and plans as it may deem necessary. The expense incurred hereunder shall be divided and paid one half by the metropolitan park commission and one half by the cities and towns named in said chapter three hundred and twenty-seven as an expense incurred under said act.

May employ clerical assistance, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 8, 1904.

AN ACT TO ESTABLISH THE MASSACHUSETTS SCHOOL AND HOME *Chap. 446*
FOR CRIPPLED AND DEFORMED CHILDREN.

Be it enacted, etc., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint five persons who shall constitute the Board of Trustees of the Massachusetts School and Home for Crippled and Deformed Children, the purpose of which shall be the education and care of the crippled and deformed children of the Commonwealth. The trustees shall hold office for terms of one, two, three, four and five years, respectively, beginning with the first Monday of December in the present year, and until their respective successors are appointed and qualified; and previous to the first Monday in December in each year thereafter the governor shall in like manner appoint one such trustee to hold office for the term of five years, beginning with the first Monday in December of the year of his appointment, and until his successor is appointed and qualified. Any such trustee may be removed by the governor, with the advice and consent of the council. Any vacancy occurring in said board shall be filled in like manner for the unexpired term.

Board of Trustees of the Massachusetts School and Home for Crippled and Deformed Children, appointment, terms, etc.

Vacancy.

SECTION 2. The lands held by said trustees in trust for the Commonwealth for the use of said school and home, as hereinafter provided, shall not be taken for a street, highway or railroad without leave of the general court specially obtained.

Certain lands not to be taken for street, highway, etc., without leave of general court.

SECTION 3. The trustees shall be a corporation for the same purposes for which the trustees of each of the state insane hospitals are made a corporation by section twenty-three of chapter eighty-seven of the Revised Laws, with all the powers necessary to carry said purposes into effect.

Powers and duties of trustees.

SECTION 4. The trustees shall select a site for the school and home; and shall have power to purchase land therefor, subject to the approval of the governor and council, and to erect on such land suitable buildings to hold not less than three hundred children and the officers, employees and attendants, and to provide for the equipment and furnishing of said buildings: *provided, however,* that the expenditure for carrying out the purposes of this act shall not exceed three hundred thousand dollars. No expenditure shall be made for the erection of buildings except for plans therefor, until the plans have been ap-

Trustees to select site for school and home, erect buildings, etc.

Proviso.

Plans to be approved by governor and council.

- proved by the governor and council, and no such approval shall be given unless the governor and council shall be satisfied that the cost of the real estate and the erection and completion of buildings and the equipment and furnishing of the same, so as to be ready for occupancy, will not exceed three hundred thousand dollars. The trustees shall have authority to make all contracts and employ all agents necessary to carry into effect the provisions of this act.
- Contracts, etc.**
- Powers and duties of trustees.**
- Governor to issue proclamation establishing school and home.**
- Compensation and expenses of trustees.**
- Appointment, etc., of persons necessary for administration of affairs, etc.**
- Payment of charges for support of children, etc.**
- SECTION 5.** The trustees shall have the same powers and shall be required to perform the same duties in the management and control of the said school and home, as are vested in, and required of, the trustees of the various state insane hospitals under chapter eighty-seven of the Revised Laws, so far as said chapter is applicable.
- SECTION 6.** When the buildings constructed under the provisions of this act are so far completed that in the opinion of the trustees they may properly be used for the purposes of the school and home, the trustees shall notify the governor, who shall thereupon issue his proclamation establishing the school and home.
- SECTION 7.** After the establishment of the school and home the trustees shall receive no compensation for their services, but they shall be reimbursed from the treasury of the Commonwealth for all expenses actually incurred by them in the performance of their official duties.
- SECTION 8.** The trustees may appoint, and, subject to the approval of the governor and council, may fix the salaries of all persons necessary for the proper administration of the affairs of the school and home, and may incur all expenses necessary for the maintenance of the school and home.
- SECTION 9.** The charges for the support of the children of the school and home who are of sufficient ability to pay for the same, or have persons or kindred bound by law to maintain them, shall be paid by such children, such persons or such kindred at a rate to be determined by the trustees of the school and home. The board of such children as have a legal settlement in some city or town shall be paid by such city or town if such children are received at the school and home on the request of the overseers of the poor of such city or town. The trustees may in their discretion receive other children who have no means to

pay for tuition and board ; and the tuition and board of all such children shall be paid from the treasury of the Commonwealth.

SECTION 10. There shall be a thorough visitation of the school and home by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, and after each visitation a written report of the state of the institution shall be drawn up, which shall be presented at the annual meeting to be held in December. At the annual meeting the trustees shall make a detailed report of their doings to the governor and council, and shall audit the report of the treasurer, which shall be presented at said annual meeting, and transmit it with their annual report to the governor and council.

Visitation of school and home.

Report to be made to governor and council.

SECTION 11. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Books, etc., to be open to inspection of trustees.

SECTION 12. The state board of charity shall have general supervision of said school and home, and may, when so directed by the governor, assume and exercise the powers of the board of trustees of said school and home in any matter relating to the management thereof.

State board of charity to have general supervision of school and home, etc.

SECTION 13. For the purpose of meeting expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding three hundred thousand dollars, for a term not exceeding twenty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum. They shall be designated on the face thereof as the Massachusetts School and Home for Crippled and Deformed Children Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent ; and such scrip or certificates shall be sold and disposed of at public auction, or in such other mode, and at such time and prices, and in such amounts, as the treasurer shall deem best. Such amounts shall be raised annually by taxation as will be

Massachusetts School and Home for Crippled and Deformed Children Loan.

Payment of loan.

sufficient, with the interest thereon, to pay the interest on the loan and the principal as it falls due.

SECTION 14. This act shall take effect upon its passage.

Approved June 8, 1904.

Chap.447 AN ACT RELATIVE TO THE ELECTION OF THE CITY CLERK OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows :

City clerk of
Lawrence,
election, etc.

Vacancies.

Repeal.

When to take
effect.

SECTION 1. The city clerk of the city of Lawrence shall hereafter be elected by the voters of the city at the annual city election, and shall hold office for three years from the first Monday in January following his election. Vacancies in the office may be filled for the unexpired term by appointment of the mayor, subject to confirmation by the board of aldermen.

SECTION 2. So much of chapter three hundred and twenty-six of the acts of the year eighteen hundred and ninety-five as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its acceptance by the voters of the city of Lawrence; and the question of its acceptance shall be submitted to said voters at the annual state election in the year nineteen hundred and four.

Approved June 9, 1904.

Chap.448 AN ACT TO ENLARGE THE JURISDICTION OF THE COURT OF LAND REGISTRATION AND TO CHANGE ITS NAME.

Be it enacted, etc., as follows :

Land Court,
jurisdiction,
etc.

SECTION 1. Jurisdiction is hereby transferred from the superior court to the court of land registration, hereinafter called the Land Court, as to the proceedings heretofore held before the superior court under the following provisions of the Revised Laws : —

1. Writs of entry, under the provisions of chapter one hundred and seventy-nine.

2. Petitions to require actions to try title to real estate, under the provisions of sections one to five, both inclusive, of chapter one hundred and eighty-two.

3. Petitions to determine the validity of encumbrances, under the provisions of sections eleven to fourteen, both inclusive, of said chapter one hundred and eighty-two.

4. Petitions to discharge mortgages, under the provisions of section fifteen of said chapter one hundred and eighty-two.

The jurisdiction of the land court in the above matters shall be original and exclusive, and it shall have therein all the powers both at law or in equity now vested in the superior court, except that it shall hold no trials by jury. Powers, etc.

SECTION 2. Writs, petitions, bills and pleadings may be filed with the recorder of the land court, or with the assistant recorder or register of deeds for the district in which the land or any part thereof lies. The assistant recorder or register of deeds shall immediately index the proceedings in the general index by the names of the parties, and transmit the papers to the recorder. The recorder shall cause copies of said papers to be made and transmitted to the assistant recorder or register of deeds for the district in which the land or any part thereof lies, who shall file the same. Whenever such papers contain a reference to any instruments recorded in the registry of deeds where they are filed, the assistant recorder or register of deeds shall cause a minute thereof to be made upon the margin of such record. Filing of writs, petitions, bills, etc.

SECTION 3. Except as otherwise provided herein the provisions of sections thirteen to seventeen, both inclusive, of chapter one hundred and twenty-eight of the Revised Laws, as amended by chapter four hundred and fifty-eight of the acts of the year nineteen hundred and two, shall apply to all proceedings under this act, and hearings may be held in the county where the land lies or elsewhere by agreement, or by order of the court on motion of either party after notice. Certain provisions of law to apply.

SECTION 4. The recorder shall transmit copies of all final decrees to the assistant recorder or register of deeds, for the district in which the land or any part thereof lies, who shall file and index the same in the manner provided in section two. Copies of final decrees to be transmitted to assistant recorder.

SECTION 5. Any judge of the land court may issue necessary citations and orders of notice in proceedings under the provisions of this act, which shall be returnable to the land court in any county in which the land or any part thereof lies. Citations and orders of notice, issue, etc.

SECTION 6. After the filing of any of the proceedings designated herein or at any time while the same are pending, the land court may, in its discretion, enter an order of reference to one of the examiners provided for under the provisions of chapter one hundred and twenty-eight of the Revised Laws, who shall examine and report on Land court may enter an order of reference, etc.

To be subject
to certain pro-
visions of law,
etc.

whatever matters of title or fact the court shall designate in such order of reference. The order of reference, the report and the notice thereon shall be subject to the provisions of said chapter one hundred and twenty-eight, except that the expense of such reference, examination and report may, in the discretion of the court, be awarded as a part of the taxable costs of the proceedings.

Notice, etc., in
proceedings.

SECTION 7. Notice shall be given and service made in proceedings under this act in the manner heretofore required in the superior court, and the same time shall be allowed for appearance, answer, demurrer, or other proceedings.

Certain orders,
etc., subject to
appeal, etc.

SECTION 8. Every order, decision and decree of the court in proceedings under this act whereby any party is aggrieved shall be subject to appeal for a jury trial on the facts to the superior court for the county in which the land lies to which such order, decision or decree relates, as to any questions involved therein. The appeal shall be claimed and entered and issues framed therefor in the land court within thirty days after the date of such order, decision or decree, and upon the entry of the appeal the appellant shall file in the superior court copies of all material papers in the case, certified by the recorder; but no matters shall be tried in the superior court except those specified in the appeal. Appearances shall be entered in the superior court within ten days, and answers shall be filed therein within thirty days, after the appeal has been entered, unless for good cause further time is allowed. Questions of law arising in the superior court on such appeal may be taken by any party aggrieved by any opinion, ruling, direction or judgment of the court to the supreme judicial court for revision, in the same manner as in proceedings at law in said superior court. Questions of law arising in the land court on any decision or decree in proceedings under this act may be taken by any party directly to the supreme judicial court for revision, in the same manner as questions of law are taken to that court from the superior court. The land court, after any such decision or decree dependent upon a question of law, may report said decision or decree, with so much of the case as is necessary for understanding such question of law, for the determination of the supreme judicial court.

Appearances,
answers, ques-
tions of law,
etc.

R. L. 178, § 81,
amended.

SECTION 9. Section eighty-one of chapter one hundred and seventy-three of the Revised Laws is hereby amended

by inserting after the word "court", in the third line, the words:—or in the land court,—so as to read as follows:—*Section 81.* An attorney of record who is actually engaged in the trial of a cause in the supreme judicial court or in the superior court, or in the land court, or before an auditor who has been appointed by either of said courts, shall not be required to proceed to the trial of any other cause in either of said courts or before another auditor except by special order of the court.

Engagements of attorneys in the courts or before an auditor, etc.

SECTION 10. The name of the Court of Land Registration is hereby changed to the Land Court. Name changed.

Approved June 9, 1904.

AN ACT TO AUTHORIZE THE HAVERHILL AND BOXFORD STREET RAILWAY COMPANY TO CONSTRUCT A BRIDGE ACROSS THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Chap. 449

Be it enacted, etc., as follows:

SECTION 1. The Haverhill and Boxford Street Railway Company, a company in process of organization under chapter one hundred and twelve of the Revised Laws, upon obtaining a location for its tracks in the city of Haverhill is hereby authorized to construct and maintain a bridge across the Merrimac river in that city, for the purpose of extending its railway into that part of the city which lies northerly of the said river, and to construct and maintain such an extension thereon. The company shall construct and maintain upon the bridge a foot-walk for the free use of foot passengers.

The Haverhill and Boxford Street Railway Company may construct, etc., a bridge across the Merrimac river, etc.

SECTION 2. For the purposes aforesaid, and for the purpose of obtaining convenient approaches to said bridge and foot-walk, the said company may take such lands, buildings, wharves, piers and structures of any person or corporation as may be necessary, and may erect and place such structures on or over such lands, wharves, piers and structures of any person or corporation as may be necessary: *provided*, that it shall not take up or remove any track now laid by the Boston and Maine Railroad except with the consent of and upon the conditions imposed by the railroad commissioners, nor erect or place any structure over any such track which shall prevent the convenient passage of trains thereon.

May take necessary lands, buildings, etc.

Proviso.

SECTION 3. Said company shall, within sixty days after the taking of any lands, buildings, wharves, piers

Description of lands, etc., to be recorded.

or structures as aforesaid, and within sixty days after the erection of any structure on or over any lands, wharves, piers or structures as aforesaid, otherwise than by agreement with the owner thereof, file and cause to be recorded in the registry of deeds for the southern district of Essex county a description thereof, sufficiently accurate for identification, with a statement of the purposes for which the same were taken or erected.

Proceedings in case of failure to agree as to amount of damages.

SECTION 4. Any person or corporation sustaining damages to property by reason of any doings of said company, under the authority of the preceding sections, who fails to agree with the company as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time after said doings of the company and within a period of twelve months from the filing of the description and statement provided for in the preceding section, but no application shall be made after the expiration of said twelve months.

Location and construction of bridge, etc.

SECTION 5. In the location and construction of the said bridge, including the foot-walk and approaches, the company shall conform to such requirements as may be made by the board of railroad commissioners and by the board of harbor and land commissioners, and shall not proceed to the location and construction of the same until the plans therefor have been approved by the said boards. Any bridge built under this act shall be with or without a draw as the board of harbor and land commissioners or other authority having jurisdiction in the premises may determine.

May construct and operate its railway in Haverhill and Boxford, etc.

SECTION 6. Said company is authorized to locate, construct, maintain and operate its railway with a single or double track in such manner as may be convenient upon private land acquired by purchase or lease in the city of Haverhill and the town of Boxford, subject to the approval of the board of railroad commissioners, and to the approval of the aldermen of said city and the selectmen of said town, respectively, as provided by general laws. The location of said railway upon private land shall not exceed fifty feet in width with convenient turn-outs and switches. After the location of the said railway upon such private land the said company shall, with respect to the equipment and operation of its railway

Location, etc.

thereon, be subject to the provisions of all general laws now or hereafter in force relating to street railways and street railway companies.

SECTION 7. All authority herein granted to the said company shall cease if it does not build and put in operation some portion of its road within eighteen months after the date of its certificate of incorporation, or if the said bridge shall not have been built on or before the first day of January in the year nineteen hundred and six.

Portion of road to be in operation within eighteen months, etc.

SECTION 8. This act shall take effect upon its passage.

Approved June 9, 1904.

AN ACT RELATIVE TO THE LICENSING AND INSPECTION OF THEATRES
AND PUBLIC HALLS.

Chap. 450

Be it enacted, etc., as follows :

SECTION 1. In this act the term "theatre" shall mean a building or part of a building in which it is designed to make a business of the presentation of dramatic, operatic or other performances or shows for the entertainment of spectators, which is capable of seating at least four hundred persons, and which has a stage for such performances that can be used for scenery and other stage appliances. The term "public hall" shall mean any building, or part of a building, excluding theatres, armories and churches, containing an audience or assembly hall capable of seating four hundred persons, and used for public gatherings.

Terms "theatre" and "public hall" defined.

SECTION 2. In Boston the mayor, and in all other cities and towns the chief of the district police, shall be the officer to issue licenses for theatres and public halls. The terms, conditions and form of each license shall be prescribed by the licensing officer, and all licenses shall expire on the first day of August in each year. Licenses shall be issued upon application : *provided*, that the applicant shall have complied with all provisions of law in respect to the theatre or public hall for which a license is sought.

Licenses for theatres and public halls, terms, conditions, etc.

Proviso.

SECTION 3. Licensees shall be responsible, civilly and criminally, for non-compliance with laws applicable to the building covered by the license, and for non-compliance with the conditions of the license, and for any misrepresentation in the application. The licensing officer shall cause a complete inspection of all theatres and public

Licensees to be responsible for non-compliance with certain laws, etc.

Inspection to be made monthly, etc.

halls to be made once in each month and as much oftener as practicable.

Inspection to cover certain details, etc.

SECTION 4. Every inspection shall cover all details relating to the condition of the building as regards the safety of life and property, and the inspector shall make a signed report as to all such details upon a tabulated inspection blank, the form of which shall be determined by the licensing officer. The forms of such blanks may be adapted to the conditions of each class of buildings included in the provisions of this act, but they shall be such as to enable the inspectors to report a rating on the points and in the form hereinafter specified, and shall include a detailed table of legal requirements, with a statement as to compliance or non-compliance with each. All inspectors inspecting theatres during the month shall collate the report of their inspections and rate each theatre or public hall on the following points in the following form:—

Inspectors to collate report of inspections, etc.

Points of rating.

1. Compliance with existing laws, non-compliance in any particular to be specified.

2. The following ratings of each building as to the safety of the audience in the judgment of the inspectors in the light of improved methods of insuring safety.

Condition, whether poor, fair, good or excellent.	Remarks.
---	----------

- a. Structural condition.
- b. Facility of escape of audience.
- c. Heating apparatus.
- d. Water supply.
- e. Lighting apparatus.
- f. Condition of fire apparatus.
- g. Condition of sprinklers.
- h. Curtains.
- i. Protection against neighborhood hazard.
- j. General condition of appliances and apparatus.
- k. General condition of stage.

Rating as a whole.

With regard to safety of audience.

And such other points as in the opinion of the licensing officer may be suitable. These reports and ratings shall be signed by the inspectors and rendered to the licensing officer on the last day of every month, and shall give the

Reports and ratings to be rendered to licensing officer.

date of all inspections made during the month, with such remarks upon the condition of each theatre and public hall as may be suitable to give notice of danger or to give confidence in the safety of such buildings. After each inspection of a theatre or public hall, the inspector shall post a notice in conspicuous type in the entrance to such theatre or hall in the following form : —

Notice of inspection to be posted.

“This theatre (or hall) has been inspected by official inspector (name of inspector) on (date).”

SECTION 5. The licensing officer may call upon any department, board and officer in the city or town where a building is situated to cause a competent inspection thereof to be made, on any matter as to which the licensing officer desires information, and to report such inspection, together with recommendations relating to such building, to the licensing officer, and it shall be the duty of such department, board or officer, when so requested, to cause such inspection and report to be made. Each department, board and officer may inspect buildings included within the provisions of this act at any time, and report inspections and recommendations to the licensing officer, who shall take such action thereon as he may see fit.

Licensing officer may require inspection on any matter as to which he desires information, etc.

SECTION 6. The full inspection reports shall be kept on file by the licensing officer, but, except as hereinafter provided, they shall not be open to examination by the public until the expiration of one month from the time when they were rendered, except with the consent of the licensing officer. Each licensee shall be entitled to examine the full reports of his own building at any time. The licensing officer shall make a full report annually of the condition of all theatres and public halls, and the report shall be a public document, open to examination by the public at all times. The reports of inspectors shall be public records of matters of public interest, and a fair publication of these reports, or part thereof, or comment thereon, by any person, in newspapers or otherwise, shall be privileged.

Inspection reports to be kept on file, etc.

Annual report to be made of condition of theatres and public halls, etc.

SECTION 7. The licensing officer may, in his discretion, in case of emergency, suspend inspections for a period not exceeding one month, and may when in his opinion the circumstances warrant, after the first monthly inspections, issue a permit exempting a public hall, but not a theatre, from regular inspection for not more than six months, on

Inspections may be suspended in certain cases, etc.

condition that he be notified by the licensee of any substantial change in the conditions. Such permit shall not prevent inspection at any time during the period specified.

Certified copy of monthly ratings and conclusions to be furnished to licensees, etc.

SECTION 8. A certified copy of the monthly ratings and conclusions of the inspectors in respect to any licensed building shall be delivered or mailed by the licensing officer to the licensee at the building. If any inspector shall report that the laws or the conditions of the license are not complied with by any licensee, it shall be the duty of the licensing officer to notify the licensee, fixing a time within which he shall comply with the law and the conditions of the license. If, at the expiration of such time there has not been such compliance, the licensing officer shall give a hearing to the licensee, and if upon investigation he shall find that there is cause, he shall revoke the license. The licensing officer shall have power, if, in his opinion, the public safety requires it, to order any theatre or public hall to be closed pending a hearing upon the revocation of the license for such building, and any person failing to comply with such order may be punished by fine not exceeding one thousand dollars.

Licensees may be revoked, etc.

Certified copy of table of ratings, etc., may be posted.

SECTION 9. Any licensee may post upon his premises a certified copy of the complete table of ratings and conclusions relating to the building covered by his license, but he shall not post an incomplete copy of such table.

Except in Boston persons aggrieved may apply for the appointment of a board of appeal, etc.

SECTION 10. Except in Boston, whoever is aggrieved by any order or decision of a licensing officer may apply to a judge of the superior court sitting in equity for the county in which the building affected by such order or decision is situated, for the appointment of a board of appeal of three disinterested persons to examine the premises and hear the parties and render a decision in writing and under oath, to be filed in the office of the clerk of courts in said county within ten days after such hearing, and the majority of said persons shall decide whether the whole or a part of the order or requirement shall be complied with, and the licensing officer shall make his order or decision conform to the decision of the said board of appeal. If the decision is not unanimous the dissenting member of the board shall file a written statement of his reasons, under oath. The compensation of the members of such board of appeal and the taxation of costs in such cases shall be governed by sections twenty and twenty-one of chapter one hundred and four of the Revised Laws.

Compensation, etc.

In Boston the appeal shall be to the board of appeals as provided in sections twelve and thirteen of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two.

Appeal in Boston.

SECTION 11. Any court having equity jurisdiction may, upon the application of the licensing officer, enforce by any suitable process or decree, the provisions of this act and any order or requirement of any person made by authority of this act.

Enforcement of provisions, etc.

SECTION 12. Any person having any duties or powers under this act may in the performance of his duty enter any building included within the provisions of this act and any person who wilfully obstructs his entry may be punished by fine not exceeding one thousand dollars.

Certain persons may enter buildings in the performance of their duties, etc.

SECTION 13. Any person having any duty to perform under this act in connection with the licensing or inspection of buildings who wilfully makes any false statement or report or any false record of any statement, report or rating as to any building shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. Any licensee under this act who wilfully makes any false statement or representation in his application for a license shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Penalty for false statement, report, etc.

SECTION 14. Any officer or person having any duty in any way connected with the inspections provided for by this act, who requests for himself or another, or accepts or uses any ticket or pass or privilege of admission, or admission, to any theatre or public hall, for which he is to pay or has paid either nothing or a price less than that demanded of the public generally, and any owner, proprietor, manager, lessee, agent or employee of any theatre or public hall, or any other person who issues, delivers, offers or allows any such ticket, pass, privilege or admission to any such officer or person or to any other person at the request, solicitation, procurement, or with the connivance of any such officer or person, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Penalty on officers, etc., for accepting and on proprietor, etc., for issuing free passes, etc.

SECTION 15. So much of section one hundred and seventy-two of chapter one hundred and two of the Revised Laws and of any other act as is inconsistent herewith is hereby repealed, and all local ordinances, by-laws

Repeal, etc.

and regulations of any kind inconsistent herewith are hereby annulled. The penalty provided in section one hundred and seventy-three of said chapter one hundred and two shall apply to all acts specified in said section one hundred and seventy-three and done without a license under this act.

To take effect
September 1,
1904.

SECTION 16. This act shall take effect on the first day of September in the year nineteen hundred and four.

Approved June 9, 1904.

Chap. 451 AN ACT RELATIVE TO THE SALARIES OF CLERKS OF THE COURTS, COUNTY COMMISSIONERS AND COUNTY TREASURERS.

Be it enacted, etc., as follows :

Counties
divided into
nine classes
for the purpose
of establishing
certain
salaries.

SECTION 1. The counties of the Commonwealth, for the purpose of establishing the salaries of clerks of the courts, county commissioners and county treasurers, are hereby divided into nine classes, according to the following table; and the annual salaries of the clerk of the courts, county commissioners and county treasurer, in full for all services performed by them, for each county in a class, shall be as therein specified, payable by the said county in monthly instalments : —

Class A. *Class A.* Counties having a population of less than fifteen thousand, to wit, the counties of Nantucket and Dukes County; salaries : — Clerk of the courts, six hundred dollars; commissioners (Nantucket, none), four hundred dollars; treasurer (Nantucket, none), three hundred dollars.

Class B. *Class B.* Counties having a population of from fifteen thousand to thirty-five thousand, to wit, the county of Barnstable; salaries : — Clerk of the courts, thirteen hundred dollars; commissioners, twelve hundred dollars; treasurer, five hundred dollars.

Class C. *Class C.* Counties having a population of from thirty-five thousand to sixty thousand, to wit, the counties of Franklin and Hampshire; salaries : — Clerk of the courts, sixteen hundred dollars; commissioners, two thousand dollars; treasurer, eight hundred dollars.

Class D. *Class D.* Counties having a population of from sixty thousand to ninety thousand, to wit, none; salaries : — Clerk of the courts, twenty-four hundred dollars; commissioners, twenty-two hundred dollars; treasurer, eleven hundred dollars.

Class E. Counties having a population of from ninety thousand to one hundred and fifty thousand, to wit, the counties of Berkshire and Plymouth; salaries:— Clerk of the courts, twenty-seven hundred dollars; commissioners, three thousand dollars; treasurer, fifteen hundred dollars. Class E.

Class F. Counties having a population of from one hundred and fifty thousand to two hundred and twenty-five thousand, to wit, Norfolk and Hampden; salaries:— Clerk of the courts, thirty-five hundred dollars; commissioners, thirty-six hundred dollars; treasurer, two thousand dollars. Class F.

Class G. Counties having a population of from two hundred and twenty-five thousand to three hundred and twenty-five thousand, to wit, the county of Bristol; salaries:— Clerk of the courts, four thousand dollars; commissioners, thirty-nine hundred dollars; treasurer, twenty-two hundred and fifty dollars. Class G.

Class H. Counties having a population of from three hundred and twenty-five thousand to five hundred thousand, to wit, the counties of Worcester and Essex; salaries:— Clerk of the courts, fifty-two hundred dollars; commissioners, fifty-four hundred dollars; treasurer, twenty-five hundred dollars. Class H.

Class I. Counties having a population of five hundred thousand or more, to wit, the counties of Suffolk and Middlesex; salaries:— Clerk of the courts (including Suffolk county clerks of superior court for civil and criminal business), six thousand dollars; commissioners (Suffolk, none), fifty-seven hundred dollars; treasurer (Suffolk, none), thirty-five hundred dollars. Class I.

SECTION 2. Chapter one hundred and sixty-five of the Revised Laws is hereby amended by striking out section thirty-four and inserting in place thereof the following:— *Section 34.* The annual salary of the clerk of the supreme judicial court for Suffolk county shall be sixty-five hundred dollars, payable in monthly instalments, of which five thousand dollars shall be paid by the county of Suffolk, and fifteen hundred dollars by the Commonwealth. R. L. 185, § 34,
amended.

SECTION 3. Chapter one hundred and sixty-five of the Revised Laws is hereby further amended by striking out section thirty-five, and inserting in place thereof the following:— *Section 35.* The annual salaries of assistant Clerk of
supreme judi-
cial court,
Suffolk county,
salary.
R. L. 185, § 35,
amended.

Salaries of
assistant clerks
of courts.

clerks of the courts, payable in monthly instalments by the respective counties, shall be as follows : —

In the county of Suffolk, the assistant clerk of the supreme judicial court, three thousand dollars; of the superior court for civil business, the first and second assistant clerks, three thousand dollars each, and the assistant clerk for equity business, three thousand dollars from said county and five hundred dollars from the Commonwealth; and the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth assistant clerks, twenty-five hundred dollars each; Bristol, the assistant clerk, twenty-two hundred dollars and his travelling expenses; Essex, the first assistant clerk, twenty-five hundred dollars, and the second assistant clerk, two thousand dollars; Hampden, the assistant clerk, two thousand dollars; Middlesex, the first, second and third assistant clerks, twenty-five hundred dollars each, and the fourth assistant clerk, two thousand dollars; Norfolk, the assistant clerk, two thousand dollars; Worcester, the assistant clerk, twenty-five hundred dollars.

Treasurers of
certain
counties may
be reimbursed
for sum paid
for surety on
their official
bonds.

SECTION 4. County treasurers, except in the case of the counties of Nantucket and Suffolk, shall be paid, in addition to their annual salaries, by their several counties, upon approval by the county commissioners, such reasonable sum as may have been paid by them to a fidelity or surety company qualified to act as such in this Commonwealth for becoming surety on their official bonds.

R. L. 21, § 2,
amended.

SECTION 5. Section two of chapter twenty-one of the Revised Laws is hereby amended by striking out all after the word "building", in the second line of said section.

Clerks and
assistant clerks
of courts,
travelling
expenses.

SECTION 6. The clerks of courts and assistant clerks of courts shall each be allowed by the respective counties in which said courts are established their travelling expenses necessarily incurred when holding sessions of said courts out of the cities or towns in which they severally reside, which expenses shall be audited by the county commissioners.

When to take
effect.

SECTION 7. So much of this act as reduces the salary of any clerk of court, assistant clerk of court, county commissioner or county treasurer shall not take effect while the present incumbent continues to hold office; and, except as aforesaid, said act shall take effect on the first day of July in the year nineteen hundred and four.

Approved June 9, 1904.

AN ACT TO ESTABLISH THE SALARIES OF REGISTERS OF DEEDS AND *Chap. 452*
ASSISTANT REGISTERS OF DEEDS.

Be it enacted, etc., as follows:

SECTION 1. Registers of deeds shall receive annual salaries based upon the following scale. If the amount in any case comprised in the first two classes exceeds an even hundred number of dollars by a sum less than fifty dollars, the excess shall be deducted; and if the excess is fifty dollars or more, a sum shall be added sufficient to make the excess an even hundred dollars. But the maximum salary of registers shall be five thousand dollars. Registers of deeds, etc., salaries.

Class A. In districts where the average yearly receipts of the registry for the five years preceding the year nineteen hundred and three amount to three thousand dollars or more, registers shall receive an initial salary of sixteen hundred dollars, plus a sum equal to fifteen per cent of said receipts, and the assistant registers hereinafter named shall receive a salary equal to one half of the salary of the register, to wit: — Class A.

Southern Middlesex, salaries: — Register, five thousand dollars; assistant register, twenty-five hundred dollars;

Suffolk, salaries: — Register, five thousand dollars; assistant register, twenty-five hundred dollars;

Norfolk, salaries: — Register, thirty-two hundred dollars; assistant register, sixteen hundred dollars;

Worcester, salaries: — Register, thirty-two hundred dollars; assistant register, sixteen hundred dollars;

Southern Essex, salaries: — Register, thirty-two hundred dollars; assistant register, sixteen hundred dollars;

Hampden, salaries: — Register, twenty-eight hundred dollars; assistant register, fourteen hundred dollars;

Plymouth, salaries: — Register, twenty-six hundred dollars; assistant register, thirteen hundred dollars;

Northern Middlesex, salary: — Register, twenty-two hundred dollars.

Class B. In districts where the average yearly receipts of the registry for said five years amount to from fifteen hundred dollars to three thousand dollars, registers shall receive an initial salary of nine hundred dollars, plus a sum equal to forty per cent of said receipts, and the assistant register hereinafter named shall receive a salary equal to one half of the salary of the register, to wit: — Class B.

Northern Bristol, salary : — Register, two thousand dollars ;

Northern Essex, salary : — Register, two thousand dollars ;

Fall River, salary : — Register, nineteen hundred dollars ;

Southern Bristol, salaries : — Register, eighteen hundred dollars ; assistant register, nine hundred dollars ;

Northern Worcester, salary : — Register, nineteen hundred dollars ;

Hampshire, salary : — Register, eighteen hundred dollars ;

Barnstable, salary : — Register, seventeen hundred dollars ;

Northern Berkshire, salary : — Register, sixteen hundred dollars ;

Middle Berkshire, salary : — Register, sixteen hundred dollars ;

Franklin, salary : — Register, fifteen hundred dollars.

Class C.

Class C. In districts where the average yearly receipts of the registry for said five years amount to less than fifteen hundred dollars, registers shall receive a salary equal to said receipts, but in no case less than six hundred dollars, to wit : —

Southern Berkshire, salary : — Register, six hundred and fifty-four dollars ;

Dukes County, salary : — Register, six hundred dollars ;

Nantucket, salary : — Register, six hundred dollars.

Salaries of registers and assistant registers shall be paid in monthly instalments by the respective counties, and shall be at the same rate for any part of a year.

Salaries to be readjusted in certain years.

SECTION 2. The salaries of registers of deeds and assistant registers of deeds hereinbefore specified shall be readjusted in January, nineteen hundred and six, and every five years thereafter, upon the basis of the average yearly receipts of the respective registries for the five preceding years, in accordance with the classification set forth in section one.

Repeal.

SECTION 3. So much of section thirty-two of chapter twenty-two of the Revised Laws as is inconsistent herewith is hereby repealed.

When to take effect.

SECTION 4. So much of this act as reduces the salary of any register of deeds or assistant register of deeds shall not take effect while the present incumbent continues to

hold office ; and except as aforesaid said act shall take effect on the first day of July in the year nineteen hundred and four.

Approved June 9, 1904.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES, CLERKS AND ASSISTANT CLERKS OF CERTAIN POLICE, DISTRICT AND MUNICIPAL COURTS.

Chap. 453

Be it enacted, etc., as follows :

SECTION 1. The district, police and municipal courts, other than the municipal court of the city of Boston, for the purpose of establishing the salaries of the justices, clerks and assistant clerks thereof, are hereby divided into ten classes, according to the following table ; and the justices, clerks and assistant clerks of each court in a class shall receive from the county in which said court is established annual salaries as in said table specified, except as hereinafter provided, the salaries of the clerks being in amount three fifths of the salaries of the justices, and the salaries of the assistant clerks two thirds of the salaries of the clerks : —

Certain courts divided into ten classes for the purpose of establishing salaries.

Class A. Courts whose judicial districts have a population of one hundred and twenty-five thousand or more, to wit, the central district court of Worcester ; salaries : — Justice, four thousand dollars ; clerk, twenty-four hundred dollars ; assistant clerk, sixteen hundred dollars.

Class A.

Class B. Courts whose judicial districts have a population of from one hundred thousand to one hundred and twenty-five thousand, to wit, the second district court of Bristol, the municipal court of the Roxbury district and the third district court of eastern Middlesex ; salaries : — Justice, thirty-five hundred dollars ; clerk, twenty-one hundred dollars ; assistant clerk, fourteen hundred dollars.

Class B.

Class C. Courts whose judicial districts have a population of from seventy-five thousand to one hundred thousand, to wit, the third district court of Bristol, the first district court of eastern Middlesex, the police court of Lowell, the municipal court of the Dorchester district and the police court of Springfield ; salaries : — Justice, three thousand dollars ; clerk, eighteen hundred dollars ; assistant clerk, twelve hundred dollars.

Class C.

Class D. Courts whose judicial districts have a population of from sixty thousand to seventy-five thousand, to wit, the police court of Lynn, the municipal court of the

Class D.

South Boston district, the first district court of Essex, the police court of Lawrence and the police court of Somerville; salaries:—Justice, twenty-seven hundred and fifty dollars; clerk, sixteen hundred and fifty dollars; assistant clerk, eleven hundred dollars.

Class E.

Class E. Courts whose judicial districts have a population of from fifty thousand to sixty thousand, to wit, the district court of East Norfolk, the district court of East Boston and the police court of Brockton; salaries:—Justice, twenty-five hundred dollars; clerk, fifteen hundred dollars.

Class F.

Class F. Courts whose judicial districts have a population of from thirty thousand to fifty thousand, to wit, the district court of Hampshire, the police court of Holyoke, the police court of Chelsea, the district court of first Bristol, the central district court of northern Essex, the municipal court of the Charlestown district, the district court of northern Norfolk, the municipal court of the West Roxbury district, the second district court of eastern Middlesex, the fourth district court of eastern Middlesex, the police court of Newton, the district court of eastern Essex, the police court of Fitchburg and the second district court of Plymouth; salaries:—Justice, two thousand dollars; clerk, twelve hundred dollars.

Class G.

Class G. Courts whose judicial districts have a population of from twenty thousand to thirty thousand, to wit, the first district court of southern Worcester, the district court of central Berkshire, the district court of northern Berkshire, the first district court of northern Worcester, the fourth district court of Bristol, the second district court of eastern Worcester, the district court of western Worcester, the district court of western Norfolk and the first district court of southern Middlesex; salaries:—Justice, fifteen hundred dollars; clerk, nine hundred dollars.

Class H.

Class H. Courts whose judicial districts have a population of from ten thousand to twenty thousand, to wit, the municipal court of Brookline, the municipal court of the Brighton district, the police court of Chicopee, the district court of central Middlesex, the second district court of southern Worcester, the district court of western Hampden, the police court of Newburyport, the third district court of Plymouth, the first district court of northern Middlesex, the third district court of southern Worcester,

the second district court of Barnstable, the first district court of eastern Worcester, the fourth district court of Plymouth, the district court of southern Norfolk, the police court of Marlborough, the fourth district court of Berkshire, the district court of eastern Hampden, the first district court of Barnstable, the second district court of Essex and the district court of southern Berkshire; salaries: — Justice, twelve hundred dollars; clerk, seven hundred and twenty dollars.

Class I. Courts whose judicial districts have a population of ten thousand or less, except the district court of Dukes County, to wit, the police court of Williamstown and the police court of Lee; salaries: — Justice, nine hundred dollars; clerk, five hundred and forty dollars. Class I.

Class J. The district court of Dukes County; salary: Class J.
— Justice, five hundred dollars.

SECTION 2. The justices and clerks of the district courts in the county of Franklin shall receive from said county annual salaries as follows: — The justice of the district court of Franklin, fifteen hundred dollars; the clerk, nine hundred dollars; the justice of the district court of eastern Franklin, eight hundred dollars; the clerk, four hundred and eighty dollars. Justices and clerks of district courts in Franklin county, salaries.

The justice and clerk of the district court of eastern Hampshire shall receive from the county of Hampshire annual salaries as follows: — The justice, one thousand dollars; the clerk, six hundred dollars. Justice and clerk of district court of eastern Hampshire, salaries.

SECTION 3. The justices, special justices, clerks and assistant clerks of police, district and municipal courts, which hold sessions in more than one city or town, shall each be allowed by the respective counties in which said courts are established their travelling expenses necessarily incurred when holding sessions of said courts out of the cities or towns in which they severally reside, subject to the approval and audit of the county commissioners. Justices and clerks of certain courts, travelling expenses.

SECTION 4. Section sixty-eight of chapter one hundred and sixty of the Revised Laws, and so much of section sixty-seven of said chapter as is inconsistent herewith, are hereby repealed. Repeal.

SECTION 5. Except as to bail fees and as otherwise provided herein all fees hereafter received by any justice, clerk or assistant clerk affected by this act shall be paid into the treasury of the county in which the court is situated. Fees.

When to take effect.

SECTION 6. So much of this act as reduces the salary of any justice, clerk or assistant clerk of a police, district or municipal court shall not take effect while the present incumbent continues to hold office. In all other respects this act shall take effect on the first day of July in the year nineteen hundred and four.

Approved June 9, 1904.

Chap. 454 AN ACT TO ESTABLISH THE SALARIES OF THE CHIEF JUSTICE, ASSOCIATE JUSTICES, CLERKS AND ASSISTANT CLERKS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Justices and clerks of municipal court of Boston, salaries.

SECTION 1. The chief justice, associate justices, clerks and assistant clerks of the municipal court of the city of Boston shall receive from the county of Suffolk annual salaries, as follows :—

The chief justice, five thousand dollars.

The associate justices, forty-five hundred dollars each.

The clerks, thirty-five hundred dollars each.

The first, second, third and fourth assistant clerks of the court for civil business, twenty-five hundred dollars, two thousand dollars, eighteen hundred dollars and fifteen hundred dollars, respectively.

The first, second, third, fourth and fifth assistant clerks of the court for criminal business, twenty-five hundred dollars, eighteen hundred dollars, sixteen hundred dollars, fourteen hundred dollars and fourteen hundred dollars, respectively.

Repeal.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

To take effect July 1, 1904.

SECTION 3. This act shall take effect on the first day of July in the year nineteen hundred and four.

Approved June 9, 1904.

Chap. 455 AN ACT TO ESTABLISH THE SALARIES OF THE JUDGES, REGISTERS AND ASSISTANT REGISTERS OF PROBATE.

Be it enacted, etc., as follows :

Judges, registers and assistant registers of probate, salaries.

SECTION 1. Judges, registers and assistant registers of probate shall receive from the treasury of the Commonwealth annual salaries based upon the following scale. If the amount in any case comprised in the first two classes exceeds an even hundred number of dollars by a

sum less than fifty dollars, the excess shall be deducted ; and if the excess is fifty dollars or more, a sum shall be added sufficient to make the excess an even hundred dollars.

JUDGES.

(1) For Suffolk, Middlesex and Norfolk counties, Judges. special salaries, to wit : —

Suffolk county, judges, six thousand dollars each ;
Middlesex county, judges, five thousand dollars each ;
Norfolk county, judge, four thousand dollars.

(2) For counties other than Suffolk, Middlesex and Norfolk, having not less than ten thousand inhabitants, an initial salary of one thousand dollars, plus one hundred and twenty dollars for every ten thousand inhabitants, or majority fraction thereof, the maximum salary to be forty-five hundred dollars, to wit : —

Barnstable county, judge, fourteen hundred dollars ;
Franklin county, judge, fifteen hundred dollars ;
Hampshire county, judge, seventeen hundred dollars ;
Berkshire county, judge, twenty-two hundred dollars ;
Plymouth county, judge, twenty-three hundred dollars ;
Hampden county, judge, thirty-two hundred dollars ;
Bristol county, judge, four thousand dollars ;
Worcester county, judge, forty-five hundred dollars ;
Essex county, judge, forty-five hundred dollars.

(3) For counties having less than ten thousand inhabitants, salary, judge, nine hundred dollars, to wit : —

Nantucket county, judge, nine hundred dollars ;
Dukes County, judge, nine hundred dollars.

REGISTERS.

(1) For Suffolk and Middlesex counties, special sala- Registers. ries, to wit : —

Suffolk county, register, five thousand dollars ;
Middlesex county, register, four thousand dollars.

(2) For counties other than Suffolk and Middlesex, an initial salary of eight hundred dollars, plus one hundred dollars for every ten thousand inhabitants, or majority fraction thereof, the maximum salary to be thirty-five hundred dollars, to wit : —

Nantucket county, register, eight hundred dollars ;
Dukes County, register, eight hundred dollars ;

Barnstable county, register, eleven hundred dollars ;
 Franklin county, register, twelve hundred dollars ;
 Hampshire county, register, fourteen hundred dollars ;
 Berkshire county, register, eighteen hundred dollars ;
 Plymouth county, register, nineteen hundred dollars ;
 Norfolk county, register, twenty-three hundred dollars ;
 Hampden county, register, twenty-six hundred dollars ;
 Bristol county, register, thirty-three hundred dollars ;
 Worcester county, register, thirty-five hundred dollars ;
 Essex county, register, thirty-five hundred dollars.

ASSISTANT REGISTERS.

Assistant registers.

(1) For Suffolk county, special salary, to wit : —
 Assistant register, twenty-eight hundred dollars.

(2) For counties having three hundred thousand inhabitants, or less, a salary equal to one half of the salary of the register, to wit : —

Franklin county, assistant register, six hundred dollars ;
 Hampshire county, assistant register, seven hundred dollars ;

Norfolk county, assistant register, eleven hundred and fifty dollars ;

Hampden county, assistant register, thirteen hundred dollars ;

Bristol county, assistant register, sixteen hundred and fifty dollars.

(3) For counties having more than three hundred thousand inhabitants, a salary equal to two thirds of the salary of the register, to wit : —

Worcester county, assistant register, twenty-three hundred dollars ;

Essex county, assistant register, twenty-three hundred dollars ;

Middlesex county, assistant register, twenty-seven hundred dollars.

Salaries to be readjusted in certain years.

SECTION 2. Salaries of judges, registers, and assistant registers of probate shall be readjusted in the year succeeding each national or state census, in accordance with the classification set forth in section one.

Repeal.

SECTION 3. Section twenty-seven of chapter one hundred and sixty-four of the Revised Laws, except so much thereof as relates to the salary of the clerk of the court of probate for the county of Suffolk, is hereby repealed.

SECTION 4. So much of this act as reduces the salary of judges, registers and assistant registers shall not take effect while the present incumbent continues to hold the office ; and, except as aforesaid, said act shall take effect on the first day of July in the year nineteen hundred and four.

When to take effect.

Approved June 9, 1904.

AN ACT TO AUTHORIZE THE TOWN OF ATHOL TO COMPENSATE CERTAIN PERSONS FOR DAMAGES SUSTAINED BY THEM.

Chap. 456

Be it enacted, etc., as follows :

SECTION 1. The town of Athol is hereby authorized to appropriate a sum not exceeding fifteen hundred dollars in full settlement of the damages sustained by Vesta D. Cooke, and a sum not exceeding fifteen hundred dollars in full settlement of the damages sustained by Addie J. Lord, by reason of the change of grade of Main street in said Athol under the authority of the decree of the county commissioners of the county of Worcester made in September, nineteen hundred.

Town of Athol may pay certain sums to Vesta D. Cooke and Addie J. Lord.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1904.

AN ACT TO AUTHORIZE THE TOWN OF REVERE TO SUPPLY ITSELF WITH WATER.

Chap. 457

Be it enacted, etc., as follows :

SECTION 1. The town of Revere may supply itself, its inhabitants and such inhabitants of the town of Saugus as are now supplied with water or may hereafter make application to be supplied with water under the provisions of section seven of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-nine, with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the metropolitan water supply district, as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Revere may supply itself, its inhabitants and certain inhabitants of Saugus with water.

May establish hydrants, etc., regulate the use of water, etc.

SECTION 2. Said town for the purposes aforesaid may hold and convey the water to be furnished by the metro-

May hold and convey water, take lands, etc.

May erect
structures,
lay pipes, etc.

Title to land to
vest in town,
etc.

Proviso.

Description of
lands, etc., to
be recorded.

Damages.

politan water supply district as hereinbefore provided, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town; may erect on the lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; may construct and lay conduits, pipes and other works, under and over any lands, water courses, railroads, railways or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town: *provided*, that nothing in this section shall be construed as authorizing said town to acquire, enter upon or make use of land of the Commonwealth in said town for said purposes, unless the consent of the officers of the Commonwealth having control of such land has first been obtained.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which the land is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town as to the amount

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate four hundred thousand dollars, to be determined by a vote of the town at a legal meeting held for that purpose. Such bonds, notes or scrip shall bear on their face the words, Town of Revere Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually at a rate not exceeding three and one half per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale; or pledge the same for money borrowed for the purposes of this act and upon such terms and conditions as the water commissioners may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

SECTION 6. The town shall provide at the time of contracting the loan for such annual proportionate payments thereof as will extinguish the same at maturity, and after the town has passed a vote to that effect the sums required for this purpose and for payment of interest on the loan shall be assessed and collected annually in the same manner in which other taxes are assessed and collected. The town shall also raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment to said metropolitan water board.

SECTION 7. Whoever uses any water taken under this act without the consent of the water commissioners of said town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said town

Penalty for corruption of water, etc.

under the authority and for the purposes of this act shall forfeit three times the amount of damages assessed therefor, to be recovered in an action of tort, which action shall be brought in the name of the water commissioners of said town, and the amount recovered shall go into the funds of said water commissioners and be accounted for in its annual report.

Liability for
payment for
use of water.

SECTION 8. The owner of any tenement, building or other property, the occupants of which use water supplied under the provisions of this act, shall be liable for the payment of such water, and in case of non-payment by him, the sums due therefor may be collected in an action of contract brought in the name of the water commissioners of the town of Revere.

Water commis-
sioners, elec-
tion, terms, etc.

SECTION 9. Said town shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to constitute a board of water commissioners and to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, if the act is accepted at a special meeting, and from the meeting at which the said persons are elected if that be an annual town meeting, and at every annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled until the next annual town meeting by the remaining members of said water commissioners, and at the next annual town meeting the unexpired term, if any, shall be filled by the town.

Quorum.

Vacancy.

Powers and
duties.

SECTION 10. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment to said metropolitan water board, and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works, and interest upon loans, and after payment of all expenses of new construction not exceeding three thousand dollars in any one year after the orig-

inal construction. The net surplus aforesaid shall be paid into the treasury of the town. Said commissioners shall annually render an account of all their doings, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, except as otherwise provided herein.

SECTION 11. The town of Revere shall not proceed to supply itself and its inhabitants with water under the authority of this act until it shall have purchased the property, rights and privileges of the Revere Water Company, excepting its property situated in the town of Winthrop and its rights and privileges authorizing and pertaining to the supply of that town and its inhabitants with water, in the manner and under the conditions provided by section seven of chapter one hundred and forty-two of the acts of the year eighteen hundred and eighty-two; and said company is authorized to make the sale of said property, rights and privileges, except as aforesaid, to said town, and said town is authorized to purchase the same, in the manner and under the conditions aforesaid, and to manage and use the property thus conveyed, for the purposes and under the provisions of this act.

Town to purchase certain property, etc., of Revere Water Company, etc.

SECTION 12. This act shall be submitted to the voters of said town at any annual town meeting or at a special meeting duly called for the purpose, at which the check list shall be used, and it shall take effect upon its acceptance by two thirds of the voters present and voting thereon at any such meeting. If the act is accepted at an annual town meeting, the water commissioners herein provided for may be elected at the same meeting.

When to take effect, etc.

Approved June 9, 1904.

AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO CERTAIN VETERANS OF THE CIVIL WAR.*

Chap. 458

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to every veteran of the civil war living at the date of the passage of this act, not being a conscript or a substitute, who served in the army or navy of the United States to the credit of Massachusetts during the civil war, and who was honorably discharged from

Bounties to be paid to certain veterans of the civil war.

* See note on page 603.

Provisos.

such service : *provided*, that he has not received a bounty from any city or town or from the Commonwealth for such service ; and *provided*, that he makes application for the said bounty prior to the first day of November in the year nineteen hundred and six.

Commission to act upon applications, clerical assistance, etc.

SECTION 2. The auditor, the secretary of the Commonwealth and the adjutant general shall be a commission to act upon applications for a bounty made hereunder, and the said commission may expend for clerical assistance and for such other expenses as may be necessary in carrying out the provisions of this act a sum not exceeding two thousand dollars ; and said commissioners shall receive such compensation for their services as the governor and council may determine.

City and town clerks, etc., to furnish certain information.

SECTION 3. City and town clerks and treasurers shall, upon the request of any applicant hereunder or of the said commission, furnish the commission with lists of all persons to whom bounties for service in the civil war have been paid by their respective cities and towns, together with the amount so paid to each person.

Payments.

SECTION 4. The sums payable under this act shall be paid only to the person named in the certificate granted by said commission, or to his executor or administrator.

Fee for prosecuting claim.

SECTION 5. The fee for the prosecution of a claim for a bounty under this act shall not exceed the sum of five dollars ; and the fee agreed upon between the parties, not exceeding said amount, shall be paid to the attorney or other person entitled thereto, out of the bounty allowed, on the certificate of the commission allowing the same.

Penalty.

Any attorney or other person who demands or receives for his services any greater compensation than the sum above specified shall be guilty of a misdemeanor, and shall, for every such offence, be punished by fine not exceeding one hundred dollars or by imprisonment at hard labor for a term not exceeding six months, or by both such fine and imprisonment.

Treasurer and receiver general to issue bonds, etc.

SECTION 6. In order to provide for the sums payable under this act, the treasurer and receiver general, with the advice and consent of the governor and council, may from time to time issue bonds of the Commonwealth to an amount not exceeding three hundred and fifty thousand dollars. Such bonds shall be issued for terms of not more than five years, shall be sold or disposed of in such manner and at such times and prices, and in such amounts

and at such rates of interest, not exceeding four per cent per annum, as the treasurer, with the approval of the governor and council, may determine. The treasurer and receiver general is hereby authorized to appropriate for the payment of the principal and interest of the said bonds such sums as may be necessary out of the sums that shall be received from the United States government by the Commonwealth in repayment of interest or other claims against the United States government for expenses incurred by the Commonwealth in connection with the civil war.

Certain sums to be appropriated for the payment of bonds, etc.

SECTION 7. So much of chapter four hundred and seventy-one of the acts of the year nineteen hundred and three as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 8. This act shall take effect upon its passage.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house and, in concurrence, by the senate, June 9, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT RELATIVE TO COMMITMENTS OF INSANE PERSONS AND TO
THE FEES RECEIVED THEREFOR.

Chap.459

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter eighty-seven of the Revised Laws is hereby amended by striking out the words "A justice of the supreme judicial court or of the superior court, in any county, and a judge of probate, or a justice of a police, district or municipal court", in the first, second and third lines, and inserting in place thereof the words:— Either of the judges of probate for Suffolk county, or a justice of a police, district or municipal court, except the municipal court of the city of Boston, — so as to read as follows:— *Section 33.* Either of the judges of probate for Suffolk county, or a justice of a police, district or municipal court, except the municipal court of the city of Boston, within his county, may commit to an insane hospital, as provided in section thirty-one, an insane person then residing or being in said county who in his opinion is a proper subject for its treatment or custody.

R. L. 87, § 33, amended.

Commitment of insane persons to state hospitals.

R. L. 87, § 47,
amended.

Judge to keep
docket, original
application,
etc.

SECTION 2. Section forty-seven of said chapter is hereby amended by adding at the end thereof the following :— Said docket or record and other documents required to be kept as above shall be transmitted, on the death, resignation or removal of the judge to his successor in office.

R. L. 87, § 48,
amended.

Judge to be
allowed
travelling
expenses.

SECTION 3. Section forty-eight of said chapter is hereby amended by striking out the first eight lines thereof, down to and including the word "allowed", and inserting in place thereof the words :— If the judge is required to go from his office or place of business to see and examine the alleged insane person he shall be allowed all necessary expenses of travel.

R. L. 87, § 73,
amended.

SECTION 4. Section seventy-three of said chapter is hereby amended by striking out in the second line, the words "the judge".

R. L. 87, § 118,
amended.

Judge to be
allowed travel-
ling expenses.

SECTION 5. Section one hundred and eighteen of said chapter is hereby amended by striking out all after the word "institution", in the seventh line, and inserting in place thereof the following :— If the judge is required to go from his office or place of business to attend such hearing, he shall be allowed all necessary expenses of travel, which shall be paid upon the certificate of the judge by the county in which such application was heard.

R. L. 86, § 31,
amended.

Fees of officers,
etc.

SECTION 6. Section thirty-one of chapter eighty-six of the Revised Laws is hereby amended by striking out in the first and second lines, the words "Judges of probate and",— so as to read as follows :— *Section 31.* The fees and compensation allowed to commissioners under the provisions of this chapter shall be the same as by law are allowed to trial justices; and all officers serving process shall be allowed the same fees as they are entitled to for serving process in criminal proceedings.

To take effect
July 1, 1904.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and four.

Approved June 9, 1904.

Chap. 460

AN ACT RELATIVE TO THE OBSERVANCE OF THE LORD'S DAY.

Be it enacted, etc., as follows:

R. L. 98, § 1,
amended.

Penalty for
being present
at certain
entertain.

SECTION 1. Chapter ninety-eight of the Revised Laws is hereby amended by striking out section one and inserting in place thereof the following :— *Section 1.* Whoever, on the Lord's day, is present at a game, sport, play

or public diversion, except a concert of sacred music, or an entertainment given in good faith by a religious or charitable society in aid of a religious or charitable purpose, the entire proceeds of which, if any, less only the necessary and reasonable expenses, not to exceed twenty-five per cent of such proceeds, are to be devoted exclusively to a religious or charitable purpose, shall be punished by a fine of not more than five dollars for each offence.

ments, etc., on the Lord's day.

SECTION 2. Said chapter ninety-eight is hereby further amended by striking out section two and inserting in place thereof the following:—*Section 2.* Whoever, on the Lord's day, keeps open his shop, warehouse or workhouse, or does any manner of labor, business or work, except works of necessity and charity, or takes part in any sport, game, play or public diversion, except a concert of sacred music or an entertainment given in good faith by a religious or charitable society in aid of a religious or charitable purpose, the entire proceeds of which, if any, less only the necessary and reasonable expenses, not to exceed twenty-five per cent of such proceeds, are to be devoted exclusively to a religious or charitable purpose, shall be punished by a fine of not more than fifty dollars for each offence; and the proprietor, manager or person in charge of such game, sport, play or public diversion, except as aforesaid, shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offence.

R. L. 98, § 2, amended.

Penalty for doing certain business, etc., on the Lord's day.

SECTION 3. Said chapter ninety-eight is hereby further amended by striking out section five and inserting in place thereof the following:—*Section 5.* The provisions of the preceding sections shall not be held to prohibit the giving, being present at, or taking part in, on the Lord's day, a concert of sacred music, or an entertainment given in good faith by a religious or charitable society, in aid of a religious or charitable purpose, the entire proceeds of which, if any, less only the necessary and reasonable expenses, not to exceed twenty-five per cent of such proceeds, are to be devoted exclusively to a religious or charitable purpose, or a free open air concert given by a city or town, or by license of the mayor and aldermen of a city or the selectmen of a town, upon a common, public park, street or square.

R. L. 98, § 5, amended.

Certain entertainments not prohibited, etc.

SECTION 4. Section one hundred and seventy-two of chapter one hundred and two of the Revised Laws is

R. L. 162, § 172, amended.

Certain exhibitions may be licensed, etc.

hereby amended by adding at the end thereof the words : — and no such exhibition, show or amusement mentioned in said section, except a concert of sacred music or a free open air concert given by a city or town upon a common, public park, street or square, shall be given without such license, — so as to read as follows : — *Section 172.* The mayor and aldermen of a city or the selectmen of a town may, except as provided in section forty-six of chapter one hundred and six, grant a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, upon such terms and conditions as they deem reasonable, and they may revoke or suspend such license at their pleasure ; but they shall not grant a license for any such theatrical exhibitions, public shows, public amusements or exhibitions of any description whatever to be held upon the Lord's day, except for those named in section five of chapter ninety-eight, and no such exhibition, show or amusement mentioned in said section, except a concert of sacred music or a free open air concert given by a city or town upon a common, public park, street or square, shall be given without such license.

R. L. 102, § 173, amended.

SECTION 5. Section one hundred and seventy-three of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "section", in the fifth line, the words : — and of the last preceding section, — and by inserting after the word "societies", in the sixth line, the words : — in their usual places of worship, — so as to read as follows : — *Section 173.* Whoever offers to view, sets up, sets on foot, maintains, carries on, publishes or otherwise assists in or promotes any such exhibition, show or amusement, without such license, shall be punished by a fine of not more than five hundred dollars for each offence. The provisions of this section and of the last preceding section, however, shall not apply to public entertainments by religious societies in their usual places of worship for a religious or charitable purpose.

Penalty for maintaining, etc., certain exhibitions without a license.

Not to apply to certain entertainments.

Approved June 9, 1904.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 461

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit : —

Appropriations.

For rent of offices for use of the Massachusetts highway commission, a sum not exceeding three hundred and fifty dollars, the same to be in addition to the forty-seven hundred and fifty dollars appropriated by chapter nineteen of the acts of the present year.

Massachusetts highway commission.

For the payment of certain claims arising from the death of firemen in the discharge of their duties, a sum not exceeding three thousand dollars, the same to be in addition to the seven thousand dollars appropriated by chapter twenty-five of the acts of the present year.

Payment of certain claims arising from the death of firemen.

For the enforcement of the laws relating to fisheries and game and the propagation and distribution of fish, birds and other animals, and for running expenses, rent and maintenance of hatcheries, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purposes.

Enforcement of fishery laws, propagation of fish and game, etc.

For clerical assistance, salaries and expenses of agents and other expenses of the commissioner of state aid and pensions, as authorized by chapter three hundred and eighty-one of the acts of the present year, a sum not exceeding two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Commissioner of state aid and pensions, clerical assistance, etc.

For expenses of the commission charged with the duty of preparing a complete register of the adult blind in the Commonwealth between the ages of twenty and sixty, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

Commission on preparing a register of certain adult blind.

For dredging the channel of the Annisquam river in the city of Gloucester, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding seventeen thousand dollars.

Dredging the channel of Annisquam river.

Bertha M.
Guenther.

For Bertha M. Guenther, as authorized by chapter eighty-nine of the resolves of the present year, the sum of ninety-six dollars.

Building struc-
tures in the
vicinity of
Stage harbor.

For building structures in the vicinity of Stage harbor in the town of Chatham, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Improvement
of Witchmere
harbor.

For completing the improvements of the entrance to Witchmere harbor in the town of Harwich, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

District police.

For compensation of the members of the district police, as authorized by chapter three hundred and eighty-two of the acts of the present year, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

George New-
hall.

For the payment of a bounty to George Newhall, as authorized by chapter ninety-four of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Associate
judge of land
registration.

For the salary of the associate judge of land registration, as authorized by chapter three hundred and eighty-six of the acts of the present year, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Register of
probate, etc.,
county of
Middlesex,
clerical assist-
ance.

For additional clerical assistance for the register of probate and insolvency for the county of Middlesex, as authorized by chapter three hundred and eighty-seven of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State farm.

For current expenses at the state farm, including the printing of the annual report of said institution, a sum not exceeding fifteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Support, etc.,
of unsettled
pauper infants.

For the support and transportation of unsettled pauper infants of this Commonwealth, including infants in infant asylums, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the improvement of the channel of Green Harbor river, as authorized by chapter three hundred and ninety-three of the acts of the present year, a sum not exceeding ten thousand dollars.

Improvement
of channel of
Green Harbor
river.

For the salaries of the members of the state board of conciliation and arbitration, as authorized by chapter three hundred and ninety-nine of the acts of the present year, a sum not exceeding eight hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Board of con-
ciliation and
arbitration,
salaries.

For the salary of the secretary of the state board of conciliation and arbitration, as authorized by chapter three hundred and ninety-nine of the acts of the present year, a sum not exceeding one hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Secretary of
board of con-
ciliation,
salary.

For a survey and estimate as to the improvement of Vineyard Haven harbor in the town of Tisbury, as authorized by chapter ninety-five of the resolves of the present year, a sum not exceeding five hundred dollars, the same to be paid out of the appropriation for the survey and improvement of harbors.

Improvement
of Vineyard
Haven harbor.

For expenses in connection with the transfer of the state exhibit from the Louisiana Purchase Exposition to the Lewis and Clark Centennial Exposition at Portland in the state of Oregon, as authorized by chapter ninety-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Lewis and
Clark Centen-
nial Exposi-
tion, etc.

For the protection of lobsters with eggs attached, as authorized by chapter four hundred and eight of the acts of the present year, a sum not exceeding seven thousand dollars.

Protection
of lobsters.

To establish the office of state forester, as authorized by chapter four hundred and nine of the acts of the present year, for the salary of said officer, a sum not exceeding twelve hundred dollars; and for assistants and other necessary expenses of the state forester, a sum not exceeding five thousand dollars.

State forester.

For an investigation as to the sanitary and other conditions affecting the health or safety of employees in factories and other establishments, as authorized by chapter ninety-nine of the resolves of the present year, a sum not exceeding one thousand dollars.

Investigation
as to sanitary
conditions in
factories, etc.

Greylock state reservation.

For the enlargement of the Greylock state reservation, as authorized by chapter four hundred and eleven of the acts of the present year, a sum not exceeding fourteen thousand dollars.

Town of Middlefield.

For repairing certain bridges and roads in the town of Middlefield, as authorized by chapter one hundred of the resolves of the present year, a sum not exceeding three thousand dollars.

Widow of John W. Blaney.

For the widow of John W. Blaney, as authorized by chapter one hundred and one of the resolves of the present year, a sum not exceeding seven hundred and fifty dollars.

Improving Red river.

For improving the entrance of Red river in the town of Chatham, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding one thousand dollars.

Dry dock in Boston harbor.

To provide for an investigation relative to the construction of a dry dock in Boston harbor, as authorized by chapter one hundred and three of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts Agricultural College, expenses.

For certain expenses at the Massachusetts Agricultural College, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding thirty-nine hundred dollars.

Massachusetts Agricultural College, scholarships.

For providing one hundred and twenty free scholarships at the Massachusetts Agricultural College, as authorized by chapter four hundred and fourteen of the acts of the present year, the sum of five thousand dollars, the same to be in addition to the sum of ten thousand dollars appropriated by chapter sixteen of the acts of the present year.

Massachusetts Agricultural College, labor fund.

For establishing a labor fund at the Massachusetts Agricultural College, and to provide for the theoretical and practical education required by its charter, as authorized by chapter four hundred and fourteen of the acts of the present year, a sum not exceeding three thousand dollars, the same to be in addition to the ten thousand dollars appropriated by chapter sixteen of the acts of the present year.

Massachusetts Agricultural College, maintenance.

For the further maintenance of the Massachusetts Agricultural College, as authorized by chapter four hundred and fourteen of the acts of the present year, the sum of ten thousand dollars.

Massachusetts Agricultural College, ex-

For maintaining an agricultural experiment station at the Massachusetts Agricultural College, as authorized by

chapter four hundred and fourteen of the acts of the present year, the sum of five hundred dollars, the same to be in addition to the ten thousand dollars appropriated by chapter fifteen of the acts of the present year.

periment
station at.

For the expenses of the board of commissioners for the promotion of uniformity of legislation in the United States, as authorized by chapter four hundred and fifteen of the acts of the present year, a sum not exceeding one thousand dollars.

Commissioners
on uniformity
of legislation.

For the further improvement of Lake Anthony in the town of Cottage City, as authorized by chapter four hundred and sixteen of the acts of the present year, a sum not exceeding ten thousand dollars.

Improvement
of Lake An-
thony.

For repairs and improvements at the state hospital, as authorized by chapter one hundred and five of the resolves of the present year, a sum not exceeding seventy-seven thousand dollars.

State hospital.

For expenses in connection with the preliminary preparations for the state census, as authorized by chapter four hundred and twenty-three of the acts of the present year, a sum not exceeding fifteen thousand dollars.

State census.

For compensation and expenses of a commission to investigate and report as to the building laws of the Commonwealth, as authorized by chapter four hundred and twenty-four of the acts of the present year, a sum not exceeding five thousand dollars.

Commission on
building laws.

For the compensation of two additional members of the district police, as authorized by chapter four hundred and thirty of the acts of the present year, a sum not exceeding seventeen hundred and fifty dollars; and for traveling and incidental expenses of said members, a sum not exceeding six hundred dollars.

Additional
members of
district police.

For certain expenses incurred in the year nineteen hundred and three on account of the United States steamer Inca, as authorized by chapter one hundred and six of the resolves of the present year, a sum not exceeding nineteen hundred and ninety-four dollars.

United States
steamer Inca.

For extra clerical assistance in the office of the adjutant general, as authorized by chapter four hundred and thirty-nine of the acts of the present year, a sum not exceeding seven hundred dollars.

Adjutant gen-
eral, clerical
assistance.

For expenses of county teachers' associations, as authorized by chapter three hundred and eighty-three of the acts of the present year, a sum not exceeding three hundred

County
teachers'
associations.

and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

City of Salem.

For reimbursing the city of Salem for expenses incurred in providing quarters for the militia, as authorized by chapter one hundred and ten of the resolves of the present year, the sum of fifteen hundred dollars.

Salaries,
judges of
probate and
insolvency,
etc.

For the salaries of the judges of probate and insolvency in the various counties of the Commonwealth, as authorized by chapter four hundred and fifty-five of the acts of the present year, a sum not exceeding twenty-nine hundred dollars; and for the salaries of the registers of probate and insolvency in the various counties, a sum not exceeding five hundred dollars; and for the salaries of the assistant registers of probate and insolvency in the various counties, a sum not exceeding twelve hundred dollars; the same to be in addition to any amounts heretofore appropriated for the same purposes.

Payment of
bounties, etc.

For expenses in connection with the payment of bounties to certain veterans of the civil war, as authorized by chapter four hundred and fifty-eight of the acts of the present year, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1904.

RESOLVES.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS *Chap. 1* AT THE TAUNTON INSANE HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifty-three thousand dollars, to be expended at the Taunton insane hospital under the direction of the superintendent and trustees thereof for the following purposes, to wit: — For repairing, reconstructing and refurnishing that part of the hospital recently damaged by fire, and for restoring and reconstructing the laboratory, a sum not exceeding twenty-seven thousand three hundred and fifty dollars; for fire-proof doors, frames, casings, transoms and galvanized iron flues throughout the hospital, a sum not exceeding sixty-two hundred dollars; for repairing or replacing furniture, beds and bedding, a sum not exceeding five thousand dollars; for repairing or replacing clothing, a sum not exceeding one thousand four hundred and fifty dollars; for a new fire pump, a sum not exceeding one thousand dollars; and for laying a new water main for fire protection, a sum not exceeding twelve thousand dollars.

Taunton In-
sane hospital.

Approved January 20, 1904.

RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF *Chap. 2* COMMITTEE HEARINGS.

Resolved, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making appli-

Publication
of bulletin
of committee
hearings.

cation therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the Commonwealth once each month.

Approved January 30, 1904.

Chap. 3 RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer to borrow money in anticipation of revenue.

Resolved, That, in anticipation of the receipts of the present year, the treasurer and receiver general is hereby authorized to borrow, at any time before the expiration of fifteen days after the meeting of the next general court, such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, at such rates of interest as shall be found necessary; and that he shall repay any sums borrowed under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, is received into the treasury.

Approved February 2, 1904.

Chap. 4 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE COMMITTEE ON THE RELATIONS BETWEEN EMPLOYER AND EMPLOYEE.

Printing report of committee on relations between employer and employee.

Resolved, That there be printed in pamphlet form ten thousand copies of the report of the committee appointed under the provisions of chapter eighty-seven of the resolves of the year nineteen hundred and three to consider and report on the laws concerning the legal relations of employer and employee. Each member and officer of the general court shall receive twenty-five copies, and forty copies shall be allowed to each member of the committee making the report; the remainder to be distributed by the secretary of the Commonwealth at his discretion.

Approved February 3, 1904.

Chap. 5 RESOLVE IN FAVOR OF SAMUEL F. COFFIN.

Samuel F. Coffin.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Samuel F. Coffin of West Newbury the sum of two hundred dollars, being the amount which he was entitled to receive as a member of the house of representatives from the second Essex representative district for the months of January and February of the year nineteen hundred and three.

Approved February 6, 1904.

RESOLVE RELATIVE TO THOMAS J. TUCKER, A MESSENGER OF THE
HOUSE OF REPRESENTATIVES. *Chap. 6*

Resolved, That Thomas J. Tucker, a messenger of the house of representatives, who is incapacitated by illness from attending to his duties, shall be relieved from the duties of said office, and that the remainder of the salary to which he would have been entitled had he continued to serve as messenger until the end of the present session shall be paid to him monthly from the treasury of the Commonwealth. *Thomas J. Tucker.*

Approved February 10, 1904.

RESOLVE RELATIVE TO PRINTING ADDITIONAL COPIES OF THE REPORT OF THE JOINT SPECIAL COMMITTEE APPOINTED TO INQUIRE INTO THE SYSTEM, AMOUNT AND PAYMENT OF THE COMPENSATION OF STATE AND COUNTY OFFICIALS. *Chap. 7*

Resolved, That there be printed two thousand additional copies of the report of the joint special committee appointed by authority of the general court of the year nineteen hundred and three to inquire into the system, amount and payment, whether by fees or otherwise, of the compensation of state and county officials. Said copies shall be distributed under the direction of the clerks of the senate and house of representatives. *Printing report of committee on compensation of state and county officials.*

Approved February 13, 1904.

RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE REVOLUTIONARY WAR. *Chap. 8*

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the Commonwealth, and that he may expend therefor a sum not exceeding thirty-seven hundred dollars. *Revolutionary war records.*

Approved February 16, 1904.

- Chap. 9** RESOLVE TO PROVIDE FOR THE MAINTENANCE AND REPAIR OF CERTAIN APPARATUS USED IN THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Maintenance,
etc., of ap-
paratus used
in examination
of engineers,
etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the chief of the district police for the maintenance and necessary repair of apparatus used by the members of the boiler inspection department of the district police in the examination of engineers and firemen.

Approved February 16, 1904.

- Chap. 10** RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO MARY E. HURLEY.

Mary E.
Hurley.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and fifty dollars to Mary E. Hurley, widow of James A. Hurley who died on the ninth day of July in the year nineteen hundred and three, after serving the Commonwealth for more than eight years as a fireman in the fire room of the state house, the said sum being the amount which the said Hurley would have received for two months' service, had he not been ill and absent; namely, for the months of October and November in the year nineteen hundred and two, his service at the state house having ended on or about the thirty-first day of December in that year.

Approved February 16, 1904.

- Chap. 11** RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO REFUND TO THE TOWN OF MEDWAY A CERTAIN AMOUNT OF MONEY PAID TO THE COMMONWEALTH AS ITS SHARE OF CERTAIN FEES FOR LIQUOR LICENSES.

Treasurer to
refund to the
town of Med-
way a certain
sum of money.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Medway the sum of five hundred and seventy-five dollars, said sum being that portion of the fees for liquor licenses granted by said town to Lawrence McGinnis, which was paid into the treasury of the Commonwealth, and the said town having, under authority of chapter four hundred and ninety-two of the acts of the year nineteen hundred and one, repaid to said McGinnis the full amount of the said fees, including the above mentioned sum.

Approved February 18, 1904.

RESOLVE RELATIVE TO THE EXPENSES OF THE COMMITTEE TO CONSIDER AND REPORT ON THE LAWS CONCERNING THE RELATIONS BETWEEN EMPLOYERS AND EMPLOYEES. *Chap. 12*

Resolved, That, in addition to the expense authorized to be incurred under the provisions of chapter eighty-seven of the resolves of the year nineteen hundred and three, being a "Resolve to provide for the appointment of a committee to consider and report on the laws concerning the legal relations between employers and employees", there may be expended for the purposes of said resolve, including the remuneration of the members of the committee, an additional sum not exceeding four thousand dollars, subject to the approval of the governor and council.

Committee on relations between employers and employees, etc., expenses, etc.

Approved February 18, 1904.

RESOLVE TO PROVIDE FOR REIMBURSING HENRY M. ALDRICH FOR EXPENSES INCURRED IN DETERMINING HIS RIGHT TO A SEAT IN THE HOUSE OF REPRESENTATIVES. *Chap. 13*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Henry M. Aldrich of Woburn the sum of one hundred and twenty-five dollars, in repayment of the expenses incurred by him in the proceedings to determine whether the said Aldrich or Herbert S. Riley was elected representative from the twenty-eighth Middlesex representative district, the said Aldrich having taken his seat as such representative and the house having subsequently decided that the said Riley was entitled to the seat.

Henry M. Aldrich.

Approved February 18, 1904.

RESOLVE TO PROVIDE FOR REPAYMENT FROM THE TREASURY OF THE COMMONWEALTH TO THE EXECUTORS OF THE WILL OF CYNTHIA A. BREWER OF A SUM OF MONEY PAID BY THEM INTO THE TREASURY. *Chap. 14*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Arthur B. West of Chicopee and James C. Ingersoll of Springfield, as executors of the will of Cynthia A. Brewer, late of Springfield, deceased, the sum of four hundred sixty-eight dollars and twenty-six cents, that sum having been paid by mistake into the treasury on account of the collateral inheritance tax.

Executors of the will of Cynthia A. Brewer.

Approved February 18, 1904.

Chap. 15 RESOLVE TO PROVIDE FOR THE PRESERVATION OF THE WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Preservation
of war records.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the adjutant general in preserving war records worn by age and use; this sum to be in addition to any unexpended amounts heretofore authorized to be expended for the same purpose.

Approved February 18, 1904.

Chap. 16 RESOLVE TO PROVIDE FOR THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE MEDFORD MANUFACTURING COMPANY.

Medford
Manufacturing
Company.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Medford Manufacturing Company the sum of forty-nine dollars and fifty-three cents, that amount having been paid by mistake of the company into the treasury of the Commonwealth as taxes for the year nineteen hundred and one, the said company having then ceased to do business and not being liable for a tax.

Approved February 18, 1904.

Chap. 17 RESOLVE TO PROVIDE FOR COMPENSATING OWNERS OF ANIMALS KILLED IN EXTERMINATING THE FOOT AND MOUTH DISEASE.

Compensation
for animals
killed in ex-
terminating
the foot and
mouth disease.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, under the direction of the chief of the cattle bureau of the state board of agriculture, to owners of animals in this Commonwealth which were slaughtered subsequent to the eleventh day of April in the year nineteen hundred and three by order of the state authority, for the purpose of exterminating the disease known as the foot and mouth disease, in addition to the amount paid by the United States, a sum equal to the difference between the amount already paid and the value of such cattle, as appraised by the agents of the United States. For this purpose there may be expended out of the unexpended appropriation authorized by chapter eighty-three of the resolves of the year nineteen hundred and three a sum not exceeding five hundred seventeen dollars and fifty cents.

Approved February 18, 1904.

RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY FROM THE
TREASURY OF THE COMMONWEALTH TO WILMA D. BENT. *Chap. 18*

Resolved, That, beginning with the first day of January in the year nineteen hundred and four, there be allowed and paid out of the treasury of the Commonwealth to Wilma D. Bent, an annuity of one hundred and fifty dollars for the term of three years, payable in equal quarterly instalments, said Wilma D. Bent being the widow of George O. Bent, deceased, late of Framingham, who was granted an annuity by the Commonwealth for injuries received by him at the reformatory prison for women which finally resulted in his death, which annuity would have ceased upon January first, nineteen hundred and seven. *Wilma D. Bent.*

Approved February 27, 1904.

RESOLVE RELATIVE TO THE OPERATION OF THE FERRY BETWEEN
THE TOWN OF FAIRHAVEN AND THE CITY OF NEW BEDFORD. *Chap. 19*

Resolved, That the board of railroad commissioners is hereby directed, after such notice and hearing as it may deem proper, to consider whether public necessity and convenience require the further operation of a ferry between the town of Fairhaven and the city of New Bedford under the provisions of chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-four, and to report the facts and its conclusions in the matter, and such recommendations as it may deem proper, to the next general court. *Operation of the ferry between the town of Fairhaven and the city of New Bedford.*

Approved February 27, 1904.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS TO THE TRAINING
SHIP ENTERPRISE. *Chap. 20*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, for necessary repairs to the training ship Enterprise, said sum to be expended under the direction of the commissioners of the Massachusetts nautical training school. *Training ship Enterprise.*

Approved March 5, 1904.

RESOLVE IN FAVOR OF WILLIAM H. HOAR.

Chap. 21

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William H. Hoar of North Billerica the sum of one hundred dollars, in full *William H. Hoar.*

compensation for the value of a horse killed while in the service of the Commonwealth in the month of July in the year nineteen hundred and three, the horse having been owned by the said Hoar and ridden by him as a member of troop F, first brigade, Massachusetts volunteer militia.

Approved March 19, 1904.

Chap. 22

Margaretta S. Hill.

RESOLVE IN FAVOR OF MARGARETTA S. HILL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Margaretta S. Hill, widow of the late Frank A. Hill secretary of the state board of education, the sum of twelve hundred dollars, the salary to which he would have been entitled had he lived to perform service as such secretary till the thirty-first day of December in the year nineteen hundred and three.

Approved March 19, 1904.

Chap. 23

First regiment, heavy artillery.

RESOLVE TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES INCURRED BY THE FIRST REGIMENT OF HEAVY ARTILLERY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, for the payment of certain bills incurred in the transportation of the first regiment of heavy artillery to Portland, Maine, on the occasion of the army and navy manœuvres in August, nineteen hundred and three.

Approved March 19, 1904.

Chap. 24

Flora A. Jones.

RESOLVE TO PROVIDE FOR REIMBURSING FLORA A. JONES FOR THE FUNERAL EXPENSES OF A VETERAN'S WIDOW.

Resolved, That the duly appointed burial agent of the city of Lynn is hereby authorized and directed to receive and forward to the commissioner of state aid and pensions the application of Flora A. Jones of Lynn, daughter of Mary Jones, deceased, and of Samuel Jones, deceased, husband of said Mary Jones and a veteran of the civil war, for the payment to her of the sum of thirty-five dollars, on account of the funeral expenses of said Mary Jones, the said sum being the amount allowable for burial of certain persons under sections twenty and twenty-one of chapter seventy-nine of the Revised Laws. And the commissioner of state aid and pensions is hereby authorized and directed to receive the application so made, and

to examine and approve it, in the same manner and under the same regulations and restrictions and to the same effect as he would have done if said application had been made within thirty days after the death of said Mary Jones.

Approved March 19, 1904.

RESOLVE IN FAVOR OF WILLIAM H. DODGE.

Chap. 25

William H.
Dodge.

Resolved, That the chief of the cattle bureau of the state board of agriculture is hereby authorized to pay from the appropriation for the expenses of the said bureau during the current year to William H. Dodge of Leominster, the sum of one hundred twenty-eight dollars and seventy-five cents, being the amount which he is entitled to receive for services rendered to the cattle commissioners in the year nineteen hundred and one.

Approved March 19, 1904.

RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR.

Chap. 26

Lemuel D. and
Anna Burr.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue the sum of one hundred and fifty dollars, to Lemuel D. Burr and Anna Burr, children of the late Lemuel Burr of Cambridge who was a member of the Ponkapoag tribe of Indians, for their support.

Approved March 19, 1904.

RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE STATE BOARD OF HEALTH AS TO THE BUSINESS OF UNDERTAKING AND EMBALMING.

Chap. 27

Resolved, That the state board of health is hereby requested to investigate the necessity or desirability of legislation to regulate the business of undertaking and embalming, and to report the result of such investigation, with the recommendations of the board, to the general court on or before the first Wednesday of May in the year nineteen hundred and four.

State board
of health to
investigate the
business of
undertaking
and embalm-
ing.

Approved March 23, 1904.

RESOLVE TO PROVIDE FOR THE PAYMENT OF A SUM OF MONEY FROM THE METROPOLITAN SEWERAGE LOAN TO HANNAH M. MCCARTHY.

Chap. 28

Resolved, That there be allowed and paid out of the Metropolitan Sewerage Loan authorized by section fourteen of chapter four hundred and twenty-four of the acts

Hannah M.
McCarthy.

of the year eighteen hundred and ninety-nine, the sum of seven hundred and fifty dollars, to Hannah M. McCarthy, widow of Patrick D. McCarthy who was killed on the twenty-sixth day of May in the year nineteen hundred and two by an accident in a metropolitan sewer in Roxbury, while in the discharge of his duties as an employee of the metropolitan water and sewerage board.

Approved March 31, 1904.

Chap. 29 RESOLVE TO PROVIDE ADDITIONAL COMPENSATION FOR CERTAIN OWNERS OF ANIMALS KILLED IN EXTERMINATING THE FOOT AND MOUTH DISEASE.

Compensation
for animals
killed in ex-
terminating
the foot and
mouth disease.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the unexpended balance of the sum provided for by chapter eighty-three of the resolves of the year nineteen hundred and three, under the direction of the chief of the cattle bureau of the state board of agriculture, for animals slaughtered for the purpose of exterminating the disease known as the foot and mouth disease, the following amounts set against the names of the following claimants: — Anderson & Christofsen, one hundred twenty-eight dollars and fifty-seven cents; Murray Brown, two hundred fourteen dollars and twenty-nine cents; Augustus A. Hutchinson, fifty-three dollars and fifty-seven cents; John L. Pingry, four hundred thirty-seven dollars and fourteen cents; M. Henry Worden, forty dollars and seventy-one cents.

Approved April 1, 1904.

Chap. 30 RESOLVE TO AUTHORIZE THE TRUSTEES OF THE STATE FARM TO SETTLE CERTAIN CLAIMS FOR PERSONAL INJURIES.

Settlement
of certain
claims for
personal
injuries.

Resolved, That the trustees of the state farm are hereby authorized to settle claims for injuries to certain persons occasioned by the giving way of a staging used in the construction of a ward in the asylum department at the state farm. In full compensation for the injuries sustained by said persons the said trustees are authorized to pay to them, upon the execution and delivery by them of a suitable release, a sum not exceeding nine hundred dollars, to be taken from the amount provided by chapter four hundred and fourteen of the acts of the year nineteen hundred and three for the erection of an asylum for insane criminals.

Approved April 2, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERK-
SHIRE. *Chap. 31*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and four : — County tax, Berkshire.

For interest on county debt, a sum not exceeding three thousand five hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twelve thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand six hundred dollars.

For auditors, masters and referees, a sum not exceeding three thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding six thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding twenty thousand dollars.

For truant schools, a sum not exceeding one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand six hundred twenty-two dollars and forty-two cents.

For the care and maintenance of the Greylock state reservation, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and ten thousand eight hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 9, 1904.

Chap. 32 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL.

County tax,
Bristol.

Resolved. That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and four : —

For interest on county debt, a sum not exceeding forty-five thousand dollars.

For reduction of county debt, a sum not exceeding sixty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-three thousand dollars.

For clerical assistance in county offices, a sum not exceeding ten thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eight thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding forty-seven thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding seventeen thousand dollars.

For highways, bridges and land damages, a sum not exceeding eighteen thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding eight thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and thirty-three thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 9, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

Chap. 33

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and four: —

County tax,
Hampshire.

For interest on county debt, a sum not exceeding one thousand two hundred dollars.

For reduction of county debt, a sum not exceeding fifteen thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding three thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding ten thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

County tax,
Hampshire.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding six thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of same, a sum not exceeding five thousand dollars.

For highways, bridges and land damages, a sum not exceeding sixteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand six hundred seventy-one dollars and seventy-five cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of seventy-eight thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 9, 1904.

Chap. 34 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

County tax,
Worcester.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and four: —

For interest on county debt, a sum not exceeding eleven thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-five thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-five thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars. County tax, Worcester.

For trial justices, a sum not exceeding three thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding fifteen thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-two thousand dollars.

For highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For truant schools, a sum not exceeding nine thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding sixteen thousand seven hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 9, 1904.

RESOLVE IN FAVOR OF THE COUNTY OF FRANKLIN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the county of Franklin the sum of one hundred and fifty dollars, being one quarter of the excess cost above the contract price received by the Commonwealth for the construction of a state road in the town of Erving in said county, the whole excess cost having been assessed upon and paid by the said county. Chap. 35
County of Franklin.

Approved April 9, 1904.

RESOLVE IN FAVOR OF MURDICK L. BRISON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Murdick L. Brison of Chap. 36
Murdick L. Brison.

Newton the sum of one hundred thirty dollars and fifty cents, in full compensation for injuries to a horse owned and let by said Brison to Leon W. Newton, a corporal in troop A, first battalion of cavalry, second brigade, Massachusetts volunteer militia, said injuries having been sustained while the horse was being ridden under military orders on the seventeenth day of July in the year nineteen hundred and three.

Approved April 9, 1904.

Chap. 37 RESOLVE RELATIVE TO SOLDIERS AND SAILORS WHO SERVED IN THE WAR WITH SPAIN.

Commissioners to prepare testimonials for soldiers and sailors who served in the war with Spain.

Resolved, That chapter sixty-eight of the resolves of the year nineteen hundred and two is hereby amended by striking out the resolve and inserting in place thereof the following :— *Resolved*, That the governor appoint a suitable person, and that the person so appointed, the lieutenant governor, and the adjutant general, be commissioners, without pay, to cause to be engraved and printed a suitable testimonial for each officer, soldier or sailor who served during the war with Spain and who at the time of his enlistment was a legal resident of Massachusetts, and who was honorably discharged from the service, or for the heirs of every such officer, soldier or sailor who died in the service ; and that the adjutant general deliver such testimonials, on application, to such persons as he may deem entitled to receive the same.

Approved April 11, 1904.

Chap. 38 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARNSTABLE.

County tax, Barnstable.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and four :—

For interest on county debt, a sum not exceeding four hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding five thousand seven hundred dollars.

For clerical assistance in county offices, a sum not exceeding one thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding four thousand six hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand three hundred dollars. County tax,
Barnstable.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding one thousand seven hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding nine thousand two hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred and fifty dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of twenty-eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES Chap. 39
COUNTY.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County County tax,
Dukes County.
for the year nineteen hundred and four: —

County tax,
Dukes County.

For interest on county debt, a sum not exceeding three hundred dollars.

For reduction of county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding eight hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five hundred dollars.

For criminal costs in the superior court, a sum not exceeding two hundred and fifty dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding eight hundred and fifty dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one hundred dollars.

For auditors, masters and referees, a sum not exceeding one hundred and fifty dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five hundred dollars.

For highways, bridges and land damages, a sum not exceeding one thousand four hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding nine hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eight thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN. *Chap. 40*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and four : — County tax, Franklin.

For interest on county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding two thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding six hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand dollars.

For highways, bridges and land damages, a sum not exceeding thirteen thousand dollars.

For law libraries, a sum not exceeding six hundred dollars.

For truant schools, a sum not exceeding two hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand five hundred fifty-eight dollars and eighty-four cents.

And the county commissioners of said county are hereby

authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-four thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

Chap. 41 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.
County tax,
Hampden.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and four : —

For interest on county debt, a sum not exceeding nine thousand dollars.

For reduction of county debt, a sum not exceeding twenty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding fourteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding ten thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding six thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding eleven thousand dollars.

For highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding six thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand one hundred eighty-seven dollars and fifty-five cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and sixty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX.

Chap. 42

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and four: —

County tax,
Middlesex.

For interest on county debt, a sum not exceeding forty-six thousand dollars.

For reduction of county debt, a sum not exceeding fifty-seven thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-eight thousand dollars.

For clerical assistance in county offices, a sum not exceeding sixty-five thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding seventy-eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and forty thousand dollars.

For criminal costs in the superior court, a sum not exceeding forty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixty-five thousand dollars.

For trial justices, a sum not exceeding four thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding fourteen thousand dollars.

County tax,
Middlesex.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

For building county buildings, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding fifty-five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding forty-four thousand five hundred dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand five hundred thirty-seven dollars and sixty cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred and ninety-eight thousand nine hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

Chap. 43 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,
Norfolk.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and four : —

For interest on county debt, a sum not exceeding seven thousand five hundred dollars.

For reduction of county debt, a sum not exceeding fifteen thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nineteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding seventeen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-seven thousand five hundred dollars.

For salaries of jailers, masters and assistants, and sup-

port of prisoners in jails and houses of correction, a sum County tax,
Norfolk. not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand dollars.

For auditors, masters and referees, a sum not exceeding three thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding fourteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For truant schools, a sum not exceeding five thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand eight hundred ninety-five dollars and sixty-seven cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and sixty-two thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH. *Chap. 44*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and four : — County tax,
Plymouth.

For interest on county debt, a sum not exceeding two thousand dollars.

For reduction of county debt, a sum not exceeding seventeen thousand two hundred eighty-three dollars and thirty-seven cents.

County tax,
Plymouth.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twelve thousand dollars.

For clerical assistance in county offices, a sum not exceeding five thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding seventeen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding nine thousand five hundred dollars.

For truant schools, a sum not exceeding three thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand one hundred sixteen dollars and eighty-two cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1904.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

Chap. 45

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and four: —

County tax,
Essex.

For interest on county debt, a sum not exceeding twenty-two thousand dollars.

For reduction of county debt, a sum not exceeding thirty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-nine thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding fourteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-eight thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-five thousand dollars.

For trial justices, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

For building county buildings, a sum not exceeding twenty-five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty thousand dollars.

For highways, bridges and land damages, a sum not exceeding twenty-six thousand dollars.

For law libraries, a sum not exceeding three thousand dollars.

For truant schools, a sum not exceeding nine thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand three hundred ninety-six dollars and twenty-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and nineteen thousand five hundred and seventy-two dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved April 11, 1904.*

Chap. 46

Edward E.
Williamson.

RESOLVE IN FAVOR OF EDWARD E. WILLIAMSON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Edward E. Williamson of Boston the sum of one hundred and fifty dollars, in full compensation for injuries received by him while in the discharge of his duties as a member of company A, naval battalion, Massachusetts volunteer militia, on the tenth day of August in the year nineteen hundred and three.

Approved April 13, 1904.

Chap. 47 RESOLVE TO PROVIDE FOR GIVING INSTRUCTION IN RIDING TO THE MOUNTED MILITIA.

Instruction
in riding to
mounted
militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, for giving instruction in riding to officers required by the militia laws to be mounted, to non-commissioned officers, buglers and drivers of the light artillery, to enlisted men of the cavalry, and to enlisted men of the infantry who are required by law to be mounted. Certificates signed by the commanding officer of each organization, stating the number of men in his command who have received such instruction and who have ridden at least five times under proper military instruction, shall be furnished to the adjutant general, and upon his approval payments shall be made from said sum to the commanding officer of each organization at the rate of ten dollars for each man in his command so certified to have received such instruction. *Approved April 13, 1904.*

RESOLVE TO EXTEND THE TIME FOR FILING CERTAIN PETITIONS *Chap. 48*
FOR DAMAGES AGAINST THE CITY OF CAMBRIDGE AND THE CAM-
BRIDGE BRIDGE COMMISSION.

Resolved, That the time within which Joseph L. Brigham, Seraphina H. Davis, Caroline F. Seaver, or other persons owning or claiming title to certain land in Cambridge formerly owned by Newell Bent, Emeline D. Makepeace and others, may file petitions in the superior court for the recovery of damages suffered by them from the taking, occupation or use of said land by the city of Cambridge and by the Cambridge bridge commission under authority of chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety-two, chapter three hundred and thirty-seven of the acts of the year eighteen hundred and ninety-three, chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight, or of other acts, is hereby extended until the first day of January, nineteen hundred and five.

Approved April 16, 1904.

Filing of certain claims for damages against the city of Cambridge.

RESOLVE TO PROVIDE FOR COMPENSATING THE CITY OF WORCESTER FOR BENEFITS TO LAND OF THE WORCESTER INSANE HOSPITAL. *Chap. 49*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the city of Worcester the sum of one hundred ninety-seven dollars and eight cents, on account of the benefit to land of the Worcester insane hospital, resulting from the construction by said city of sewers, streets and sidewalks.

Compensation to the city of Worcester, etc.

Approved April 16, 1904.

RESOLVE IN FAVOR OF WALTER P. MAYO.

Chap. 50

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Walter P. Mayo the sum of eighty-eight dollars and fifty cents, in full compensation for the board and medical treatment of a horse used by a member of troop A, first battalion of cavalry, second brigade, Massachusetts volunteer militia, and injured at the camp in Framingham during the month of July in the year nineteen hundred and three while being ridden by a member of said company in the performance of his duty.

Walter P. Mayo.

Approved April 20, 1904.

Chap. 51 RESOLVES TO PROVIDE FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC, TO BE HELD IN BOSTON DURING THE PRESENT YEAR.

Representa-
tion of the
Common-
wealth at the
national en-
campment of
the grand
army of the
republic.

Resolved, That, for the purpose of uniting with the veterans of the late war of the rebellion in a proper observance of the thirty-ninth anniversary of the restoration of peace to the country, and of assisting the grand army of the republic in holding its national encampment the present year in the city of Boston, and thereby enabling the Commonwealth to offer, in testimony of its appreciation of their services to the nation, a fitting hospitality to the veteran soldiers, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the governor and council, in such manner as they shall deem proper.

Resolved, That the invitation given to the Commonwealth by the executive committee charged with the arrangements for the encampment and reunion, to participate in the reception and entertainment of the veterans, be accepted; and that the following members of the state government and others represent the Commonwealth on the occasion: — The governor, the lieutenant governor, the executive council, the secretary of the Commonwealth, the treasurer and receiver general, the auditor of the Commonwealth, the attorney-general, the president of the Senate, the speaker of the house of representatives, the joint committee on military affairs, a special committee of five members of the senate and fifteen members of the house of representatives, to be appointed by the presiding officers of the two branches, the clerks of the senate and of the house of representatives, the sergeant-at-arms, and the legislative reporters of the general court.

Approved April 21, 1904.

Chap. 52 RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT WESTFIELD.

Normal school
at Westfield.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight hundred and fifty dollars, to be expended under the direction of the state board of education for the purpose of providing pianos for the state normal school at Westfield.

Approved April 21, 1904.

RESOLVE TO AUTHORIZE THE BOARD OF PRISON COMMISSIONERS *Chap. 53*
TO PREPARE AND PRINT A MANUAL OF LAWS RELATIVE TO
PRISONS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four hundred dollars, to be expended by the board of prison commissioners in the preparation and printing of a manual to contain the laws relative to prisons and such other information as the commissioners may determine.

Preparation
of a manual of
prison laws.

Approved April 21, 1904.

RESOLVE IN FAVOR OF SAMUEL BUNTING.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred dollars to Samuel Bunting of Lawrence, in full compensation for the loss sustained by him by the death of a horse and for expenses in connection therewith; said horse having been hired from him by battery C, Massachusetts volunteer militia, for the use of the Commonwealth in the militia service, and having died while in said service in June in the year nineteen hundred and two.

Chap. 54
Samuel Bunting.

Approved April 21, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE DAN- *Chap. 55*
VERS INSANE HOSPITAL.

Resolved, That the trustees of the Danvers insane hospital are hereby authorized to expend, out of the Danvers Insane Hospital Fund, the sum of fifteen thousand dollars, for the following purposes: — For the construction of two small barracks for patients affected with tuberculosis, a sum not exceeding two thousand dollars; and for the construction of a mechanical refrigerating plant, a sum not exceeding thirteen thousand dollars.

Danvers In-
sane hospital.

Approved April 26, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WEST- *Chap. 56*
BOROUGH INSANE HOSPITAL.

Resolved, That the trustees of the Westborough insane hospital are hereby authorized to expend, out of the Westborough Insane Hospital Fund, a sum not exceeding twelve thousand dollars, in building an addition to the electric light plant.

Westborough
insane hos-
pital.

Approved April 29, 1904.

Chap. 57 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE NORTH-AMPTON INSANE HOSPITAL.

Northampton
insane hos-
pital.

Resolved, That the trustees of the Northampton insane hospital are hereby authorized to expend, out of the Northampton Insane Hospital Fund, a sum not exceeding twenty-eight hundred dollars, for the following purposes : — For constructing and repairing sidewalks, a sum not exceeding one thousand dollars ; and for the purchase and installation of telephones and night watchmen's clocks, a sum not exceeding eighteen hundred dollars.

Approved April 29, 1904.

Chap. 58 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE ASYLUM.

Worcester in-
sane asylum.

Resolved, That the trustees of the Worcester insane asylum are hereby authorized to expend, out of the Worcester Insane Asylum Fund, a sum not exceeding five thousand dollars, for alterations in the dining room at the said asylum.

Approved April 29, 1904.

Chap. 59 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE WORCESTER INSANE HOSPITAL.

Worcester in-
sane hospital.

Resolved, That the trustees of the Worcester insane hospital are hereby authorized to expend, out of the Worcester Insane Hospital Fund, a sum not exceeding fifteen thousand five hundred dollars, for the following purposes : — For an addition to the laundry and for laundry machinery, a sum not exceeding four thousand five hundred dollars ; and for plumbing and alterations in the administration building and also in the ward dining room, a sum not exceeding eleven thousand dollars.

Approved April 29, 1904.

Chap. 60 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MEDFIELD INSANE ASYLUM.

Medfield in-
sane asylum.

Resolved, That the trustees of the Medfield insane asylum are hereby authorized to expend, out of the Medfield Insane Asylum Fund, a sum not exceeding twenty-four thousand dollars, for the following purposes : — For painting buildings and ironwork, a sum not exceeding thirteen thousand dollars ; for removing the pump plant

to the new power house, and for electrical machinery, a sum not exceeding ten thousand dollars; and for improving the grounds, a sum not exceeding one thousand dollars.

Approved April 29, 1904.

RESOLVE TO PROVIDE FOR CERTAIN ADDITIONS AND IMPROVEMENTS
AT THE TAUNTON INSANE HOSPITAL.

Chap. 61

Resolved, That the trustees of the Taunton insane hospital are hereby authorized to expend, out of the Taunton Insane Hospital Fund, a sum not exceeding eight thousand one hundred and fifty dollars, for the following purposes: — For repairing and replacing furniture, beds and bedding, a sum not exceeding five thousand dollars; for repairing and replacing clothing, a sum not exceeding fourteen hundred and fifty dollars; for a new fire pump, a sum not exceeding one thousand dollars; and for a silo, hoisting engine and feed cutter, a sum not exceeding seven hundred dollars.

Taunton In-
sane hospital.

Approved April 29, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Chap. 62

Resolved, That the trustees of the Massachusetts hospital for epileptics are hereby authorized to expend, out of the Massachusetts Hospital for Epileptics Fund, a sum not exceeding ten thousand dollars, for the following purposes: — For necessary repairs and improvements, a sum not exceeding nine thousand six hundred and forty dollars; for taxes, a sum not exceeding one hundred and ten dollars; and for the purchase of land, a sum not exceeding two hundred and fifty dollars.

Massachusetts
hospital for
epileptics.

Approved April 29, 1904.

RESOLVE TO PROVIDE FOR THE PAYMENT OF A JUDGMENT RENDERED AGAINST THE COMMONWEALTH ON ACCOUNT OF THE IMPROVEMENT OF SOUTH BAY IN THE CITY OF BOSTON.

Chap. 63

Resolved, That there be allowed and paid out of the fund for the improvement of South Bay in Boston a sum not exceeding ten thousand five hundred dollars, for the purpose of paying a judgment rendered against the Commonwealth for damages sustained by reason of the taking of land for the improvement of said bay, and to meet expenses in connection therewith.

Payment of a
certain judg-
ment against
the Common-
wealth.

Approved April 29, 1904.

Chap. 64 RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Trustees of
the Soldiers'
Home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts the sum of thirty thousand dollars, for the maintenance of a home for deserving veteran soldiers and sailors. *Approved April 30, 1904.*

Chap. 65 RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY TO ROXANNA NEWCOMB WILFORD.

Roxanna New-
comb Wilford.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Roxanna Newcomb Wilford of Marblehead, daughter of John B. Wilford who served in the civil war as a member of company E, third regiment, Massachusetts volunteer cavalry, and who died on the fifth day of February in the year eighteen hundred and ninety-one, an annuity of seventy-two dollars, payable in equal quarterly instalments; said annuity to cease upon her marriage. *Approved April 30, 1904.*

Chap. 66 RESOLVE IN FAVOR OF MAURICE S. MILLER.

Maurice S.
Miller.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Maurice S. Miller of Boston the sum of two hundred dollars, in full compensation for injuries accidentally received by him while acting under military orders as a member of troop D, first battalion of cavalry, second brigade, Massachusetts volunteer militia, on the twenty-fifth day of June in the year nineteen hundred and three. *Approved April 30, 1904.*

Chap. 67 RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Lowell Textile
School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of twenty thousand dollars, to be applied to the purposes of the said school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of eight thousand dollars has been paid to said trustees by the city of Lowell, or has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such a sum

of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved April 30, 1904.

RESOLVE IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL.

Chap. 68

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the New Bedford textile school the sum of eighteen thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to said trustees by the city of New Bedford, or has been received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding seven thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

New Bedford
Textile School.

Approved April 30, 1904.

RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL
OF FALL RIVER.

Chap. 69

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of twenty thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of eight thousand dollars has been paid to said trustees by the city of Fall River, or has been received by them from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Bradford Dur-
fee Textile
School of Fall
River.

Approved April 30, 1904.

RESOLVE TO PROVIDE FOR A RIFLE TEAM OF THE VOLUNTEER
MILITIA TO PARTICIPATE IN THE COMPETITIONS FOR THE NA-
TIONAL AND OTHER TROPHIES.

Chap. 70

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three

Team of the
militia to take
part in com-

petitions for
the national
and other
trophies.

thousand dollars, to be expended by the inspector general of rifle practice under the direction of the adjutant general, in defraying the expenses of a rifle team to participate in the competitions for the national and other trophies, to be held at such time and place during the current year as shall hereafter be determined. *Approved May 6, 1904.*

Chap. 71 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Normal school
at Framing-
ham.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand five hundred dollars, to be expended under the direction of the state board of education for the following improvements at the state normal school in Framingham, to wit: — For repairs on boiler house, the construction of a large cistern, and the renewal of the sewage beds in such a manner as will properly dispose of the sewage from the school. *Approved May 13, 1904.*

Chap. 72 RESOLVE TO PROVIDE FOR NEW BOILERS AND A NEW ROOF ON THE BOILER HOUSE AT THE MASSACHUSETTS REFORMATORY.

Massachusetts
reformatory.

Resolved, That the prison commissioners are hereby authorized to expend, out of the Massachusetts Reformatory Industries Fund, a sum not exceeding fifteen thousand dollars, in building a new roof on the boiler house and in providing three new boilers at the Massachusetts reformatory. *Approved May 13, 1904.*

Chap. 73 RESOLVE IN FAVOR OF ALEXANDER COMMIS.

Alexander
Commis.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Alexander Commis of Newton the sum of seventy-five dollars and ten cents, in full compensation for loss of pay and for doctors' bills incurred by him as the result of injuries received by him on the thirteenth day of August in the year nineteen hundred and three while he was on duty in the state camp at Duxbury as a member of company C, fifth regiment, Massachusetts volunteer militia. *Approved May 13, 1904.*

Chap. 74 RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts
Charitable
Eye and Ear
Infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Char-

itable Eye and Ear Infirmary the sum of thirty thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the said infirmary during the year nineteen hundred and four.

Approved May 13, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS STATE SANATORIUM.

Chap. 75

Resolved, That the trustees of the Massachusetts state sanatorium, in constructing the four brick cottages provided for by chapter four hundred and forty-five of the acts of the year nineteen hundred and three, may erect a separate building to contain a heating plant for the said cottages and a laundry in the second story, provided the cost thereof shall be taken from the sum appropriated by the said chapter.

State sanatorium.

Approved May 13, 1904.

RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

Chap. 76

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England Industrial School for Deaf Mutes the sum of twenty-five hundred dollars, to be expended under the direction of the trustees thereof for the educational purposes of said school for the year nineteen hundred and four. The trustees shall report to the state board of education the expenditures made under authority of this resolve.

New England Industrial School for Deaf Mutes.

Approved May 13, 1904.

RESOLVE TO PROVIDE FOR THE REPRESENTATION OF MASSACHUSETTS BY CERTAIN OFFICIALS AT THE LOUISIANA PURCHASE EXPOSITION.

Chap. 77

Resolved, That there be allowed and paid from the appropriation authorized by chapter forty-two of the resolves of the year nineteen hundred and three a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable the Commonwealth to be represented, after the prorogation of the present session of the general court, at the Louisiana Purchase Exposition to be held in the city of St. Louis, in the state of Missouri, by the following officials, in accordance with the invitation of the board of Louisiana Purchase Exposition Managers for Massachusetts, to wit : —

Louisiana Purchase Exposition.

His excellency the governor or his honor the lieutenant governor, the private secretary of the governor, three members of the staff of the governor, three members of the executive council, the executive secretary, the secretary, treasurer, auditor and attorney-general of the Commonwealth, the president and clerk of the senate, the speaker and clerk of the house of representatives, the joint committee on federal relations, a special committee of two members of the senate and five members of the house to be appointed by the presiding officers of the two branches, respectively, and the sergeant-at-arms.

Approved May 13, 1904.

Chap. 78 RESOLVE TO PROVIDE FOR REIMBURSING THE TOWN OF STOCKBRIDGE FOR THE CARE OF SUSIE J. DOLE.

Town of Stockbridge.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Stockbridge the sum of seven hundred thirty-six dollars and sixty-nine cents, this amount having been paid by the town since the first day of July in the year eighteen hundred and ninety-eight for the support of Susie J. Dole, a state insane pauper.

Approved May 14, 1904.

Chap. 79 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LYMAN SCHOOL FOR BOYS.

Lyman school for boys.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the trustees of the Lyman and industrial schools, a sum not exceeding twelve hundred dollars, for new ovens in the bakery of the said Lyman school for boys.

Approved May 20, 1904.

Chap. 80 RESOLVE TO AUTHORIZE THE STATE BOARD OF EDUCATION TO INVESTIGATE AND REPORT UPON THE FEASIBILITY AND DESIRABILITY OF INCREASING THE AGE OF COMPULSORY SCHOOL ATTENDANCE.

Age limit of compulsory school attendance.

Resolved, That the state board of education be authorized to investigate and report upon the feasibility and desirability of increasing the age of compulsory school attendance, so as to include children of the age of fourteen years.

Approved May 20, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE *Chap. 81*
INDUSTRIAL SCHOOL FOR GIRLS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand two hundred and forty-five dollars, to be expended under the direction of the trustees of the Lyman and industrial schools at the state industrial school for girls, for necessary repairs to some of the family houses and for furnishings for the same, for furnishing the new hospital, for repairing concrete walks, for repairing and altering the chapel, for improving meadow land, and for repairs to the farm house at Bolton.

Approved May 20, 1904.

RESOLVE TO PROVIDE FOR FURNISHING THE SUPERINTENDENT'S *Chap. 82*
HOUSE AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Resolved, That the trustees of the Massachusetts School for the Feeble-Minded are hereby authorized to expend, out of the Massachusetts School for Feeble-Minded Fund, a sum not exceeding one thousand dollars, for the purpose of furnishing the superintendent's house, this sum to be in addition to any amount heretofore authorized for the same purpose.

Approved May 20, 1904.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE *Chap. 83*
NORMAL SCHOOL AT NORTH ADAMS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five hundred dollars, to be expended at the state normal school at North Adams, under the direction of the state board of education, to complete the steam plant and plumbing, to provide for alterations in the building, and to complete the building fixtures, grading and walks.

Approved May 20, 1904.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS *Chap. 84*
AT THE REFORMATORY PRISON FOR WOMEN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the

direction of the prison commissioners, for new plumbing and bathrooms in the houses occupied by the subordinate officers on the premises at the reformatory prison for women.

Approved May 20, 1904.

Chap. 85 RESOLVE TO AUTHORIZE THE PURCHASE OF ADDITIONAL LAND FOR THE MASSACHUSETTS STATE SANATORIUM.

State sanatorium.

Resolved, That the trustees of the Massachusetts state sanatorium are hereby authorized to expend, out of the Massachusetts State Sanatorium Fund, a sum not exceeding ten thousand dollars, for the purchase of additional land for the use of said institution. *Approved May 20, 1904.*

Chap. 86 RESOLVE TO CONFIRM THE ACTS OF CHARLES H. FISKE, JUNIOR, AS A JUSTICE OF THE PEACE.

Charles H. Fiske, Junior, justice of the peace, acts confirmed.

Resolved, That the acts of Charles H. Fiske, Junior, as a justice of the peace, between the first day of April and the twenty-third day of April in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved May 20, 1904.

Chap. 87

Commission to prepare a register of the adult blind, appointment, etc.

RESOLVE RELATIVE TO THE ADULT BLIND.

Resolved, That the governor, with the advice of the council, is hereby authorized and requested to appoint a commission consisting of three persons, one of whom he shall designate as chairman, which commission shall prepare a complete register of the adult blind in the Commonwealth between the ages of twenty and sixty years, containing a description of their condition, the cause of their blindness, and their capacity for industrial training. Adult blind persons between the ages of twenty and sixty years who desire to receive industrial training in schools for the blind in other states than Massachusetts may, on the recommendation of the commission and with the approval of the governor and council, be sent to such schools, and their expenses while receiving such training may be paid in whole or in part from the treasury of the Commonwealth, with the approval of the governor and council. The commission shall also investigate and report as to the

advisability and feasibility of ameliorating the condition of the adult blind by industrial training, the establishment of industrial schools, or by any other means. The commission shall serve without compensation, but it may employ such assistance as may be necessary, and its necessary expenses, including travelling expenses, so far as the same are approved by the governor and council, shall be paid from the treasury of the Commonwealth. The commission shall report the result of its investigations to the general court on or before the fifteenth day of January in the year nineteen hundred and five, with such recommendations as it may deem advisable, and shall include in its report the register of the adult blind to be prepared under the provisions of this resolve, a list of the names and ages of all adult blind persons placed in schools for the blind in other states under the authority of this resolve, a statement of the expense to the Commonwealth incurred thereby, and, so far as is practicable, of the progress made by every such person in any such school. If the commission shall recommend legislation it shall accompany its report with the drafts of such bills as may be necessary to carry its recommendations into effect. The total expenditures authorized by this resolve shall not exceed the sum of five thousand dollars.

Approved May 23, 1904.

RESOLVE TO PROVIDE FOR DREDGING THE CHANNEL OF ANNISQUAM RIVER IN THE CITY OF GLOUCESTER. *Chap. 88*

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to dredge and improve the channel of Annisquam river between Gloucester harbor and Wolf hill, or thereabout, according to a plan made in accordance with the provisions of chapter seventy-one of the resolves of the year nineteen hundred and three, dated December, nineteen hundred and three, and on file in the office of the said commissioners, except that the width of the said channel shall not exceed fifty feet. The depth shall not exceed six feet at mean low water. For the above purpose the said commissioners may expend a sum not exceeding fifty thousand dollars during the period of three years next ensuing the passage of this resolve, of which sum not more than seventeen thousand dollars shall be expended in any one year.

Dredging the
channel of
Annisquam
river.

Said sum shall be paid from the treasury of the Commonwealth from the ordinary revenue upon warrants drawn for the same by the said board.

Approved May 25, 1904.

Chap. 89

Bertha M.
Guenther.

RESOLVE IN FAVOR OF BERTHA M. GUENTHER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Bertha M. Guenther of Dracut, from and after the first day of January in the year nineteen hundred and four, an annuity of ninety-six dollars for the term of five years, payable in equal quarterly instalments, on account of the death of her husband occasioned by a wound from a rifle bullet fired by a member of the militia of the Commonwealth while engaged in target shooting in the town of Dracut in the month of June in the year nineteen hundred and one.

Approved May 25, 1904.

Chap. 90

Protection of
Stage harbor.

RESOLVE TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO EXPEND AN ADDITIONAL SUM FOR BUILDING STRUCTURES IN THE VICINITY OF STAGE HARBOR IN THE TOWN OF CHATHAM.

Resolved, That the board of harbor and land commissioners is hereby authorized to expend the sum of one thousand dollars for building the structures at the eastern end of Stage harbor in the town of Chatham authorized by chapter forty-seven of the resolves of the year nineteen hundred and three, this sum to be in addition to the sum of five thousand dollars authorized by said chapter forty-seven to be expended for said purpose.

Approved May 25, 1904.

Chap. 91

Improvement
of entrance
to Witchmere
harbor.

RESOLVE TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO COMPLETE THE IMPROVEMENT OF THE ENTRANCE TO WITCHMERE HARBOR IN THE TOWN OF HARWICH.

Resolved, That the board of harbor and land commissioners is hereby authorized to expend a sum not exceeding thirty-five hundred dollars in doing the work necessary to complete the improvement of the entrance to Witchmere harbor in the town of Harwich, by dredging the channel and in such other manner as it may deem best. Said board may acquire by purchase or otherwise, in the name

and on behalf of the Commonwealth, any land and materials necessary for the above purpose, and the manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this resolve, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission ; and said board shall, for the purposes of this resolve, have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto : *provided, however, that the town of Harwich or the citizens thereof shall, before such work is begun, deposit with the treasurer of the Commonwealth a sum of money sufficient to complete the said work, to be expended by said board in addition to the amount provided for by this resolve, and in any event not less than five hundred dollars.*

Approved May 25, 1904.

RESOLVE TO CONFIRM CERTAIN ACTS OF E. IRVING SMITH AS A
JUSTICE OF THE PEACE.

Chap. 92

Resolved, That the acts of E. Irving Smith as a justice of the peace, between the fourteenth day of October in the year nineteen hundred and three and the sixth day of May in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

E. Irving
Smith, justice
of the peace,
acts confirmed.

Approved May 25, 1904.

RESOLVE TO PROVIDE FOR THE RENEWAL OF AN EXISTING CONTRACT WITH THE FIRM OF LITTLE, BROWN AND COMPANY FOR THE PUBLICATION OF THE DECISIONS OF THE SUPREME JUDICIAL COURT.

Chap. 93

Resolved, That the secretary of the Commonwealth is hereby authorized to renew the contract now existing between the Commonwealth and the firm of Little, Brown and Company for the publication of the decisions of the supreme judicial court for the further term of five years from the first day of August current.

Publication
of decisions of
the supreme
judicial court,
renewal of
contract for.

Approved May 27, 1904.

Chap. 94 RESOLVE TO AUTHORIZE THE PAYMENT OF A BOUNTY TO GEORGE NEWHALL.

George Newhall.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George Newhall of Swampscott, who served for three years in the civil war in company F, twenty-third regiment, Massachusetts infantry, to the credit of the town of Danvers, the sum of one hundred and twenty-five dollars, the amount of a bounty promised to him by vote of the town of Danvers on account of his enlistment in said service, which sum he would have been entitled to receive from the Commonwealth under the provisions of chapter five hundred and twenty-five of the acts of the year eighteen hundred and ninety-eight, if his claim had seasonably been filed.

Approved May 31, 1904.

Chap. 95 RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE AS TO THE IMPROVEMENT OF VINEYARD HAVEN HARBOR IN THE TOWN OF TISBURY.

Improvement of Vineyard Haven harbor.

Resolved, That the board of harbor and land commissioners is hereby directed to examine and in its discretion to make or cause to be made a survey and estimate as to the cost, best method and advisability of constructing a stone breakwater on the westerly side of the harbor of Vineyard Haven and north of the steamboat wharf, in such a position as will protect the anchorage ground used by fishing boats and other small craft. The expense of such examination, survey and estimate, to an amount not exceeding five hundred dollars, shall be paid from the appropriation made by chapter twelve of the acts of the present year for the survey and improvement of harbors.

Approved June 2, 1904.

Chap. 96 RESOLVE RELATIVE TO THE LEWIS AND CLARK CENTENNIAL EXPOSITION.

Lewis and Clark Centennial Exposition.

Resolved, That, at the close of the Louisiana Purchase Exposition, the Louisiana Purchase Exposition managers for Massachusetts are hereby authorized to cause all or any part of the exhibits which may be under the control of said managers to be transferred to the city of Portland in the state of Oregon, and to be exhibited at the Lewis

and Clark Centennial Exposition to be held in that city in the year nineteen hundred and five. The exhibits so transferred shall be installed and shall remain under the control of said managers until otherwise provided by law ; and at the close of the Lewis and Clark Centennial Exposition said exhibits shall be returned under the direction of said managers to this Commonwealth. For carrying out the provisions of this resolve there may be expended under the direction of the governor and council a sum not exceeding five thousand dollars during the year nineteen hundred and four, and an additional sum not exceeding ten thousand dollars during the year nineteen hundred and five.

Approved June 2, 1904.

RESOLVE TO CONFIRM THE ACTS OF ROBERT G. MOLINEUX AS A *Chap. 97*
JUSTICE OF THE PEACE.

Resolved, That the acts of Robert G. Molineux as a justice of the peace, between the fourth day of January in the year nineteen hundred and one and the fourth day of May in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Robert G. Molineux, justice of the peace, acts confirmed.

Approved June 2, 1904.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE *Chap. 98*
TO INVESTIGATE THE LOCAL SEWERAGE SYSTEMS WITHIN THE
METROPOLITAN SEWERAGE DISTRICT.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint a committee of three persons, of whom one shall be a member of the metropolitan park commission, one a member of the Charles River basin commission, and one a member of the board of harbor and land commissioners, and of whom one shall be designated by the governor as chairman. The said committee shall investigate the extent, condition and usefulness of the sewerage systems of the cities and towns within the metropolitan sewerage district, but not now included in the metropolitan sewerage system, and especially shall ascertain whether or not any parts of such local sewerage systems should, in their judgment, be purchased and maintained by the metropolitan water and sewerage board. The members of the committee shall

Committee to investigate certain sewerage systems, etc., appointment, etc.

serve without compensation, and shall report to the next general court on or before the fifteenth day of January in the year nineteen hundred and five.

Approved June 3, 1904.

Chap. 99 RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO SANITARY AND OTHER CONDITIONS AFFECTING THE HEALTH OR SAFETY OF EMPLOYEES IN FACTORIES AND OTHER ESTABLISHMENTS.

Investigation
as to sanitary
conditions in
factories, etc.

Resolved, That the state board of health, with such aid as it may require from the chief of the district police and the bureau of statistics of labor, is hereby directed to investigate the sanitary conditions of factories, workshops and other places of employment in the Commonwealth of Massachusetts, with respect to all conditions which may endanger the life and limb or be prejudicial to the health of the persons employed therein. The officers and employees of said board shall have power to enter and inspect all premises in use for industrial purposes and to obtain such information as may be necessary for carrying out the purposes of this resolve. The board may expend a sum not exceeding one thousand dollars in carrying out the provisions of this resolve, and is directed to report to the next general court on or before the fifteenth day of January next, and shall accompany its report with such recommendations as it deems advisable. *Approved June 3, 1904.*

Chap. 100 RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY TO THE MASSACHUSETTS HIGHWAY COMMISSION FOR REPAIRING CERTAIN BRIDGES AND A ROAD IN THE TOWN OF MIDDLEFIELD.

Town of
Middlefield.

Resolved, That, in addition to the sum authorized by chapter eighty of the resolves of the year nineteen hundred and one to be paid to the treasurer of the town of Middlefield, there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts highway commission a sum not exceeding three thousand dollars, to be expended under the direction of said commission in repairing and rebuilding the road and bridges between Middlefield factory village and the Middlefield station on the line of the Boston and Albany railroad, the said road and bridges having been damaged by the breaking away of a dam in said town on the twenty-first day of April in the year nineteen hundred and one.

Approved June 3, 1904.

RESOLVE IN FAVOR OF THE WIDOW OF JOHN W. BLANEY.

Chap.101

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lydia A. Blaney, widow of John W. Blaney late a member of the house of representatives from the twelfth Essex representative district, the salary to which he would have been entitled had he lived until the end of the present session.

Widow of John W. Blaney.

Approved June 3, 1904.

RESOLVE TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO IMPROVE THE ENTRANCE OF RED RIVER IN THE TOWN OF CHATHAM.

Chap.102

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to construct a timber jetty at the mouth of Red river in the town of Chatham, if in the opinion of the board it is expedient so to do. The board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for building such structure, and the manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this resolve, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission; and said board shall, for the purposes of this resolve, have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto. A sum not exceeding one thousand dollars may be expended in carrying out the provisions of this resolve.

Improvement of entrance to Red river.

Approved June 3, 1904.

RESOLVE TO PROVIDE FOR AN INVESTIGATION RELATIVE TO THE CONSTRUCTION OF A DRY DOCK IN BOSTON HARBOR.

Chap.103

Resolved, That the board of harbor and land commissioners is hereby instructed to investigate the advisability of constructing at the expense of the Commonwealth a dry dock in Boston harbor, and to report thereon to the next general court not later than the fifteenth day of Jan-

Dry dock in Boston harbor.

uary in the year nineteen hundred and five, including in the report, if the board deems it expedient, suggestions as to the nature of the dock that should be erected, its location, and an estimate of its probable cost, and any other matters which the board may deem desirable.

Approved June 3, 1904.

Chap.104 RESOLVE TO PROVIDE FOR CERTAIN EXPENSES AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts
Agricultural
College.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-nine hundred dollars, to be expended at the Massachusetts Agricultural College under the direction of the trustees, for the following purposes: — For insurance for five years on muskets and other property of the United States loaned to the college, for which the president of the college is personally responsible, a sum not exceeding four hundred dollars; and for a deficit in the appropriation for coal in the year nineteen hundred and three, a sum not exceeding thirty-five hundred dollars.

Approved June 3, 1904.

Chap.105 RESOLVE TO PROVIDE FOR REPAIRS AND IMPROVEMENTS AT THE STATE HOSPITAL.

State hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-seven thousand dollars, to be expended at the state hospital under the direction of the trustees and superintendent thereof, for the following purposes, to wit: — For the erection of a hospital for consumptives, for women, a sum not exceeding twenty-five thousand dollars; for the construction of buildings for cases of infectious disease, a sum not exceeding twenty thousand dollars; for the construction of a building for the use of male officials, a sum not exceeding twenty thousand dollars; for the completion of certain repairs and improvements already authorized, a sum not exceeding six thousand dollars; and for the purchase of additional land, a sum not exceeding six thousand dollars.

Approved June 4, 1904.

RESOLVE TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES *Chap.106*
 INCURRED IN THE YEAR NINETEEN HUNDRED AND THREE ON
 ACCOUNT OF THE UNITED STATES STEAMER INCA.

Resolved, That there be allowed and paid out of the *U. S. steamer*
 treasury of the Commonwealth, upon vouchers approved *Inca.*
 by the adjutant general, a sum not exceeding nineteen
 hundred and ninety-four dollars, on account of expenses
 incurred in the year nineteen hundred and three in con-
 nection with the instruction of officers and men of the
 naval brigade on board the United States steamer Inca.

Approved June 8, 1904.

RESOLVE TO PROVIDE FOR THE ACCEPTANCE BY THE COMMON- *Chap.107*
 WEALTH OF THE CONDITIONS AND LIMITATIONS SET FORTH IN
 A CERTIFICATE OF THE ACTING SECRETARY OF WAR OF THE
 UNITED STATES RELATING TO THE CONSTRUCTION AND MAINTE-
 NANCE OF THE CHARLES RIVER DAM.

Resolved, That the express conditions and limitations *Construction*
 set forth in a certificate of Robert Shaw Oliver, acting *of Charles*
 secretary of war, under date of the eighteenth day of *River dam,*
 May, nineteen hundred and four, relating to the construc- *etc., accept-*
 tion and maintenance of a dam across the Charles river, *ance of certain*
 and to the maintenance of channels in connection there- *conditions, etc.*
 with, be, and hereby are, accepted, and the obligations
 thereof assumed by the Commonwealth, as follows:—

1. That detailed plans for the lock and dam, and of
 all channels to be dredged outside established harbor
 lines, shall be submitted to the secretary of war, and that
 the work be not begun until such plans have received his
 approval.

2. That the Charles River basin commission, or its
 successors, shall operate the lock, at their own expense,
 as a free navigable waterway of the United States, sub-
 ject to such regulations as the secretary of war may
 promulgate.

3. That the emptying of the basin shall be subject to
 regulation by the secretary of war.

4. That the Charles River basin commission shall
 dredge and maintain in the basin, from the head of the lock
 to the channel in the river, a channel one hundred feet wide
 and eighteen feet deep at mean low water, in a location
 to be approved by the secretary of war.

5. That, whenever called upon to do so by the secretary of war, the Charles River basin commission shall deepen two and two tenths feet the channel eighty feet wide called for by the present approved project for the improvement of Charles river by the United States, known as the project of June fourteen, eighteen hundred and eighty, the said deepening to extend as far as Brackett's wharf.

6. That the Commonwealth of Massachusetts shall maintain in the Charles river from the head of the thirty-five foot channel at Charles River bridge to the dam and lock, the necessary depth and width of channel for the commerce of the river, as fixed by the secretary of war.

7. That the alterations in the bridge of the Boston and Maine Railroad ordered by said act of the general court of Massachusetts shall be made, approval of the plans by the secretary of war being obtained, as required by law.

8. That the approval hereby granted shall not be construed as authorizing any invasion of property rights, or any act whereby a claim for damages against the United States might arise.

Approved June 8, 1904.

Chap.108 RESOLVE RELATIVE TO INCREASED COURT ROOM ACCOMMODATIONS
FOR THE COUNTY OF SUFFOLK.

Court room
accommoda-
tions, county
of Suffolk.

Resolved, That a commission is hereby established, to consist of three persons, one to be appointed by the governor, one by the mayor of the city of Boston, and the third to be the sheriff of the county of Suffolk, as acting custodian of the court house building in said city, to consider the matter of providing additional court rooms and such other accommodations as may be necessary for the prompt administration of justice in the county of Suffolk. The commission is authorized to employ experts, and to prepare plans, and is directed to report an estimate of the cost of any new structures or additions which it may propose, including the cost of land therefor, to the next general court, not later than the fifteenth day of January, nineteen hundred and five. The commission shall serve without compensation, but may expend in carrying out the provisions of this resolve a sum not exceeding five thousand dollars, to be paid by the county of Suffolk.

Approved June 8, 1904.

RESOLVE RELATIVE TO THE ERECTION OF MEMORIALS OF JOHN ADAMS, JOHN QUINCY ADAMS AND JOHN HANCOCK. *Chap. 109*

Resolved, That the governor of the Commonwealth, with the advice and consent of the council, is hereby authorized to appoint a committee of three persons, citizens of the Commonwealth, one of whom he shall designate as chairman, and all of whom shall serve without compensation, to consider the matter of erecting a public memorial or memorials of John Adams, the second president of the United States, John Quincy Adams, the sixth president of the United States, and John Hancock, the first governor of the Commonwealth, and to recommend to the next general court such legislation as it may deem proper concerning the location, character and cost of such memorial or memorials. *Approved June 8, 1904.*

John Adams,
John Quincy
Adams and
John Hancock,
memorials to.

RESOLVE TO PROVIDE FOR REIMBURSING THE CITY OF SALEM FOR EXPENSES INCURRED IN PROVIDING QUARTERS FOR THE MILITIA. *Chap. 110*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the city of Salem the sum of fifteen hundred dollars for expenses heretofore incurred by the city in providing, furnishing and maintaining armories and headquarters for the use of the eighth Massachusetts infantry and the second corps of cadets, of the Massachusetts volunteer militia, and the officers thereof. *Approved June 9, 1904.*

City of Salem.

RESOLUTIONS.

RESOLUTIONS RELATIVE TO THE RESIGNATION OF THE REVEREND EDMUND DOWSE AS CHAPLAIN OF THE SENATE.

Resignation of
the chaplain of
the senate.

Resolved, That the senate accepts with great reluctance the resignation of the Reverend Edmund Dowse as chaplain. For the past quarter of a century he has held this office and filled it always faithfully and well.

Now that his great age compels him to husband his strength and to withdraw from further service as chaplain, he will carry with him into retirement the esteem and affection of all members of the senate who for a generation and more have had the inspiration of his pure and Christian life.

Resolved, That an engrossed copy of these resolutions be sent to Mr. Dowse.

In Senate, adopted, January 13, 1904.

RESOLUTIONS IN SUPPORT OF A BILL PENDING IN THE CONGRESS OF THE UNITED STATES PROVIDING FOR A RETIRED LIST AND PENSIONS IN THE LIFE SAVING SERVICE.

Pensions in
the life saving
service.

Whereas, There is pending in congress a bill "To promote the efficiency of the life saving service", which provides for a retired list and pensions for officers and enlisted men of the life saving service, and for pensions to their widows and minor children; and

Whereas, This bill has been recommended by the secretary of the treasury, and has for its object the just, well earned reward of faithful and meritorious service; therefore, be it

Resolved, That the general court favors the above mentioned bill, and requests the senators and representatives in congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each member of congress from the Commonwealth of Massachusetts.

In House of Representatives, adopted, February 8, 1904.

In Senate, adopted in concurrence, February 8, 1904.

RESOLUTIONS IN FAVOR OF LEGISLATION BY CONGRESS TO PROTECT
FOOD FISH FROM SHARKS OR DOG-FISH.

Whereas, A species of shark commonly known as dog-fish has become so numerous along our shores that it is a menace to the welfare of Massachusetts, especially to that class of its population which follows the fishing industry for a livelihood ; and

Protection of
food fish.

Whereas, Petitions have been forwarded to the congress of the United States asking for a hearing in regard to the enactment of legislation which will protect the food fish of our coast from these sharks or dog-fish ; therefore, be it

Resolved, That the general court of Massachusetts favors such legislation, and

Resolved, That properly attested copies of these resolutions be sent to each of the senators and representatives from Massachusetts in congress.

In Senate, adopted, February 9, 1904.

In House of Representatives, adopted in concurrence, February 12, 1904.

RESOLUTIONS ON THE DEATH OF UNITED STATES SENATOR MARCUS
ALONZO HANNA.

Whereas, An untimely death has removed Marcus Alonzo Hanna, a member of the United States Senate from the State of Ohio, and a commanding figure in the political and business life of the country ; be it

On the death
of Marcus
Alonzo Hanna.

Resolved, That the House of Representatives, irrespective of party affiliations, desires to place upon record its sense of the loss thus sustained by the whole nation. Of that Scotch-Irish descent which has figured so largely in the history of the United States, Mr. Hanna united with great strength of will and keenness of intellect the yet more valuable qualities of a warm heart and an unusual sense of fairness and justice. For many years his

energies were absorbed by business, and outside of the circle of his friends he was known only as a chief bulwark of the city in which he lived, and as a generous employer of labor. But, late in life, drawn into public affairs by a friendship which has already become classic in our history, he showed such skill and judgment in political matters, and afterward such breadth of view as a statesman, that he achieved in a few short years a distinction which seldom rewards even a lifetime of public service. His efforts as a member of the national Civic Federation in softening and improving the relations between labor and capital were not the least valuable of his services to his fellow men. The almost unparalleled suddenness with which Mr. Hanna attained a national reputation and standing gave rise to a cloud of misapprehension and calumny which he endured with characteristic magnanimity and good nature. But as his fellow citizens came to know him better this cloud began to melt away, and his death will serve to dissipate whatever remnants of misapprehension obscured his real nature.

Resolved, That a copy of these resolutions be sent to the family of the deceased.

In House of Representatives, adopted, February 16, 1904.

RESOLUTIONS ON THE DEATH OF JOHN W. BLANEY.

On the death
of John W.
Blaney.

Whereas, It has pleased Him by whose infinite power all destinies are governed to remove from among us one whose genial qualities had endeared him to his associates, and whose dignified bearing and conspicuous integrity won the respect and confidence of his fellow men; therefore, be it

Resolved, That by the death of John W. Blaney, member of the House of Representatives from the twelfth Essex representative district, this house has suffered the loss of an able legislator and wise counsellor, and the Commonwealth an experienced and devoted public servant;

Resolved, That the House of Representatives tenders its sympathy to the family of the deceased member, and directs that a copy of these resolutions be sent to them; and also that the resolutions be entered upon the journal of the house.

In House of Representatives, adopted, April 25, 1904.

The general court of 1904, during its annual session, passed 460 acts and 110 resolves which received the approval of his excellency the governor. An act entitled "An Act to provide for the payment of bounties to certain veterans of the civil war" (chapter 458) was laid before the governor for his approval and was returned by him, with his objections thereto, to the branch in which it originated; was reconsidered, agreeably to the provisions of the constitution, and the vote being taken on passing the same, it was passed by both branches, the objections of the governor thereto notwithstanding.

Fourteen acts, entitled, respectively, "An Act to authorize the city of Fall River to incur indebtedness for street paving beyond its debt limit", "An Act to authorize the renting of state armories for certain purposes", "An Act to authorize the town of Provincetown to contract for furnishing the town with electricity and with water, and for services in connection with the town's present water supply", "An act to provide for the construction of conduits for Stony brook in the city of Boston and for the reconstruction of a part of the sewerage system of said city above the proposed dam of the Charles River basin", "An Act to authorize the city of Boston to improve Centre street", "An Act to incorporate the Massachusetts Casualty Company", "An Act relative to call members of fire departments in cities and towns", "An Act to authorize the city of Boston to improve Morton street and to expend a certain sum of money therefor", "An Act to release in part certain building restrictions on the southerly side of Boylston street between Berkeley and Clarendon streets in the city of Boston", "An Act to authorize the city of Boston to widen and improve Hampden street", "An Act to provide for evening sessions of police, municipal and district courts for the purposes of naturalization", "An Act relative to the hours of labor of women and minors employed in the manufacture of textile goods", "An Act relative to appointments in the Cambridge fire department", and "An Act relative to the penalty for murder in the second degree", were passed and laid before the governor for his approval, and were returned by him, with his objections thereto, to the branch in which they originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members of that branch not having voted in the affirmative.

The following proposed amendment to the constitution, viz.: "Resolve to provide for an amendment of the constitution requiring the submission to the voters of the Commonwealth in certain cases of specific amendments of the constitution", was passed by the general court of 1903, but was rejected by the general court of the present year. The said proposed amendment has therefore become void.

The general court was prorogued on Thursday, June 9, at 9.49 P.M., the session having occupied 156 days.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY JOHN L. BATES.

At twelve o'clock on Thursday, the seventh day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Members of the General Court:

With a deep sense of gratitude to the people of Massachusetts for the renewed expression of their confidence we enter upon the duties of another year.

More than two scores of states are constantly seeking solutions to the complex questions of self-government which in this busy, active age are ever being presented in new and important forms. No two states are alike; to none are the problems exactly the same. Yet one has often profited much from the experience of another, and it has been recognized by students of political affairs that among all the states of the Union there is none that has been more often in the lead in constructive legislation than Massachusetts. This has been true because her magistrates and representatives have never been satisfied that conditions could not be bettered. Whenever advancement has been made, they have always had before them ideals still to be attained. Always have they had lofty conceptions, beckoning them to further achievement. There can be none here but hope this year to contribute to the writing of another page of progress and of honor in her history.

The mention of but a part of the work that the Commonwealth has been engaged in during the past year will serve to indicate her varied and vast activities.

STATE HIGHWAYS.

During the year 1903 74 miles of state highway were laid out, making a total of 505 miles since the beginning of the work, of which all but 23 have been completed. Fifteen miles of the "small town" roads, so-called, have been improved during the year, making a total length of 54 miles improved under the provisions of the "small town" act. The average cost per mile of the state highways during the past year has been \$6,000. The planting of trees for the beautifying and protection of these highways is soon to be begun.

HARBORS AND PUBLIC LANDS.

Nearly half of the anchorage basin in Boston harbor off Bird Island flats has been completed, at an expenditure of about \$200,000, and already vessels are taking advantage of the improvement. The anchorage basin for yachts at South Boston is partially completed, and work will be continued on it during the coming year. At the Commonwealth's Flats at South Boston an additional area of 26 acres has been enclosed, and more than two thirds of it filled to the required grade. A portion is already under lease. In the Cape district a channel at Bass river, Yarmouth, has been dredged, and the jetty strengthened, thus providing a better harbor.

At Menamsha the channel has been dredged through to the ponds, and a new and much-needed harbor of refuge for fishing craft has thus been afforded. Rocks have been removed from Nantucket harbor and from Lake Anthony, the new harbor at Cottage City, the value and usefulness of which have exceeded all anticipations. The Weymouth Fore river has been deepened and widened so as to give better access to the great shipbuilding plant at Quincy.

GRADE CROSSINGS.

During the last year \$545,543.49 have been paid out of the treasury toward the abolition of grade crossings, making a total sum expended by the state since the work began, to October 1, of \$8,467,186.45.

METROPOLITAN PARKS.

At the end of the year 1902 the metropolitan park commission reported that, as the result of unexpected large verdicts, there would be a deficiency in the amounts available to pay for lands previously acquired. The legislature of last year made a series of appropriations somewhat less than the amount required to meet these deficiencies. Further appropriations were also made, with the broad idea of enabling the commission to carry on the completion of the park system, according to its previously expressed plans, for a period of five years. The end of the year 1903, therefore, finds the work of this commission in a most satisfactory condition. Eighty claims for lands taken in previous years, aggregating \$316,000, have been settled; while only 76 claims, of which 51 are in suit, remain unsettled. A liberal reserve to cover these claims has been made. Work has been entered upon only to an extent safely within the balance remaining, and this policy will be followed during the ensuing year.

Mattapan bridge, Wellington bridge and the railroad bridge at Revere have been completed. A much-needed headquarters building at Riverside on the Charles river is being erected. A portion of King's beach and Red Rock likely to be required for the Lynn shore driveway have been purchased on favorable terms. Land for the completion of the Neponset River parkway to the Blue Hills is being acquired, in order to take advantage of the gift of a portion, and of peculiarly favorable terms as to other portions; and the construction of the bridge across Saugus river, of the approach from Revere beach and of the Revere Beach parkway extension to Fellsway has been begun.

METROPOLITAN WATER AND SEWERAGE.

A large amount of construction has been carried on during the past year by the metropolitan water and sewerage board, involving the expenditure of a total sum of about \$4,400,000.

The Weston aqueduct, extending for a distance of thirteen and one half miles from the Sudbury reservoir to the terminal near the Charles river, including the equalizing reservoir near the terminus in Weston, has been completed.

The new aqueduct has a capacity of 300,000,000 gallons of water daily. One of the several main pipe lines which are projected to run from this aqueduct to the various portions of the metropolitan district has been laid to the Chestnut Hill reservoir.

The Central Massachusetts railroad, which passed through the site of the Wachusett reservoir, has been relocated for a distance of about nine miles. The large amount of new construction required involved many engineering difficulties, but was so accomplished that the trains were transferred to the new line in the early summer.

Much progress has been made in the building of the Wachusett dam and in the preparation of the bed of the proposed reservoir, and the construction has proceeded so far that a considerable amount of water can be stored.

The high-level sewer, which was projected to carry the sewage of the south metropolitan district, has been to a large extent completed during the year, and it is expected that the work will be so far advanced that the sewer will be put into active operation in the coming spring. The board has also, pursuant to legislation of last year, begun the construction of extensions of the north metropolitan sewerage system to the towns of Revere and Belmont.

In accordance with the instructions of the legislature of 1902 the board has been making investigations relative to the quantity of water used by the various municipalities, with a view of ascertaining where water was used unnecessarily, and of making recommendations for the prevention of unnecessary consumption and waste. The increase in the consumption of water from year to year has made imperative the adoption of measures for such prevention. In the year 1895, when the metropolitan water act was passed, the consumption in the district was 91 gallons per capita. The amount increased each year, until in 1902 it was 119½ gallons per capita. The measurement of water supplied to the different municipalities has already given information by which considerable unnecessary consumption has been detected, and it is probable that already the increase hitherto prevailing has been checked. The board will at a later day make a special report to you upon this subject.

EDUCATION.

The educational interests of Massachusetts have suffered a great loss in the death of Frank A. Hill, who had for nine years been the devoted and efficient secretary of the state board of education. He served the state unselfishly, recognizing that in education is to be found the guaranty of the material and moral interests of our people.

Progressive legislation has fostered the public school system. Towns with a small population and a low taxable valuation are receiving aid from the state, which insures them good teachers, adequate supervision and first-class high school facilities. The action of the last legislature in devoting the entire income of the school fund to this purpose will supplement the amount these towns have been able to raise by taxation, and furnish ample means for the adequate maintenance of their schools.

The present amount of the school fund is \$4,675,548.14. Under existing legislation \$100,000 are to be added to this fund each year, until it amounts to \$5,000,000. The present annual income is about \$225,000. In addition, the smaller towns receive from the state treasury about \$40,000 a year for high school education, and nearly \$100,000 towards the cost of supervision. Inasmuch as the state pays so large a portion of the cost it should have a guaranty of the high character of this supervision. I suggest some system by which the superintendents of districts which receive so large a proportion of state aid shall be required to pass examinations entitling them to official certificates of their competence and experience.

There are 484,483 pupils in the public schools, and 92,525 in the private schools. The entire number of children in the state between the ages of five and fifteen is 495,266. There were expended for the public schools in the last year \$12,006,415.09, or \$24.71 for each pupil. This does not include the cost of school buildings, but, if that be added, the entire amount expended on the public school system was \$15,170,070.48, being \$31.24 per pupil, or \$4.87 per thousand dollars of the total valuation of the state.

The number of teachers employed who received instruction from normal schools shows an increase of 480 over the previous year. About one half of the total number of teachers have received the benefit of such instruction.

FREE PUBLIC LIBRARIES.

The free public library has been for many years one of our important educational forces. Over 100 have been established under the administration of the board of free public library commissioners since 1890. At the present time the citizens of every city and town have the benefit of such a library, while in several towns branches and deliveries have been established which bring good books without expense within the easy reach of every home. In these libraries are to be found four and a quarter millions of volumes, and the circulation is nearly double that number, making an annual circulation of about three volumes to every man, woman and child in the Commonwealth.

TEXTILE SCHOOLS.

The textile school at Fall River is not yet open. Those at Lowell and New Bedford are meeting the demands made upon them, and proving as practically useful as their advocates expected. They furnish the best of opportunities for the development of that expert knowledge that may tend to assist Massachusetts to maintain her industrial supremacy. While their final relation to the city, to the state and to private enterprise is not fully determined, their work is such as to entitle them to a continuance of the state's support.

The evening department of the New Bedford school is especially worthy of notice, affording, as it does, the opportunity for the mill workers of New Bedford to obtain a technical textile education concurrent with the pursuit of their ordinary occupations. The equipment of the institution has been considerably increased during the past year, and its physical condition is excellent. About 300 pupils have attended this school during each year of the past five. The school has been the recipient of valuable contributions of machinery and other equipment.

The Lowell school, with its largely increased accommodations and larger membership than ever before, is in a most satisfactory condition. Additional branches of study are being added by the trustees, who have recognized that the textile industry of Massachusetts must adjust itself to constantly changing conditions, and that it is at the present time passing from the manufacture of the

simplest and coarsest fabrics to that of the higher grades, requiring just that skill, taste and knowledge which these schools are intended to develop.

MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

The value of the training received by young men in this school is shown by the fact that among 327 graduates fully 285 have become masters, first, second and third officers, quartermasters, engineers and machinists. These young men are now serving on both the coastwise and transatlantic steamers, also on steamers and sailing vessels in the West Indian, South American and Pacific trade. Four graduates have received appointments as commissioned officers, while others are petty officers in the United States revenue cutter service.

This brief reference to the textile schools, and statement of the practical results of the Massachusetts nautical training school, suggest the importance of keeping prominently in view, in our educational efforts, the benefit of those studies and exercises that tend to equip our youth for earning a livelihood. Where the value of the trade, of the skilled eye and hand, is not taught equally with those studies that tend to the development of the brain and the increase of general knowledge, the dignity of manual labor is in danger of being overlooked. Under our system boys and girls are too often sent out into the world without the practical knowledge necessary to enable them to earn an honest living. The most beneficial work done at the Concord reformatory is the teaching of trades to the boys, and those who are discharged from it thus equipped usually become valuable citizens.

The first duty of every educational board, state or municipal, should be to make certain that the youth under it are educated in the essentials that will make them self-supporting, effective men and women.

CIVIL SERVICE.

The system by which appointments to public office are made upon merit, ascertained by competitive examination, has taken a prominent and permanent place in federal, state and municipal government. From small beginnings in 1884 the system in this Commonwealth has grown,

until now by far the greater number of positions held by public employees falls within the classification established under the civil service laws and rules. We should not only uphold the law but we should strengthen it wherever possible. The fact that removals can be made by those in authority without cause has proved detrimental, and prevented in some cases a just and adequate operation of the law. The civil service commissioners suggest that a law be enacted which shall regulate the removal of persons in the classified service, and I commend the suggestion to your consideration.

PENAL INSTITUTIONS.

The prisoners in the state institutions have been well employed, but in many of the houses of correction there have been periods of idleness. Work for the inmates of county prisons is continually growing more uncertain and unsatisfactory. This condition adds to the interest that all who are concerned in the welfare of prisoners will take in the progress of the experiment for their employment in an industrial camp, where the labor will consist largely of reclaiming waste land. Acting under the provisions made by the last legislature a large tract of land has been taken, plans for a dormitory are being prepared, and by April it is confidently expected that the camp will be ready. Should the plan prove successful, it will open not only possibilities for the wholesome and strengthening employment of prisoners, but also for the addition to the assets of the state of sources of considerable revenue in the future, through the reclamation of land for farm and forest purposes.

Many years ago it was provided by statute that the expense of supporting a prisoner in a jail or house of correction should be paid by the prisoner himself, by his parents or guardian, or by the town or city where he had a settlement. For a long time however no serious attempt has been made to enforce this law, and I respectfully suggest that it be repealed, or that some further act be passed to secure its enforcement.

It has come to my attention that several of the judges of the courts hesitate to send boys, whose worst offence seems to be that they have not been surrounded with such environment as to give them a proper start in life,

to the Concord reformatory. There may be instances where it would be better to send a boy to a school rather than to a reformatory prison where men are confined up to the age of forty years. Would it not be wise to give the judges the right to exercise their discretion in sending boys between the ages of fifteen and twenty years to either the Lyman school or the Concord reformatory, as they deem best for the boys' welfare?

ADULT BLIND.

In accordance with a resolve of the last general court I appointed a commission to investigate the condition of the adult blind. Their report will soon be laid before you, and will merit your deep interest.

EMINENT DOMAIN.

Under a similar resolve I appointed a committee of three to consider the matter of making public improvements under a more extensive exercise of the right of eminent domain than is now authorized.

It has long been recognized that the taking of land for street, park or other public purposes generally results in betterments to the surrounding property far in excess of any amount which the public can collect therefrom; and, in the case of streets and thoroughfares, often leaves lots of such small or undesirable shape as to be ill adapted for building purposes, and yet possessing the frontage that is necessary to enable adjoining property to benefit from the improvement.

How to insure to the public that pays the bills its rightful share of the profit of the improvement; how to prevent such use of the remnants of lots as tends to preclude the proper development of the improved thoroughfare, and yet not interfere with the reasonable management of his own by the private owner, is a problem which has long been discussed, and one which your predecessors hoped might be solved as the result of the investigations of the committee for which they provided.

This committee has given much thought to the matter. It has investigated the methods adopted in England, France and Germany, and its report, with important information and recommendations, is ready to be submitted to you. As a result of your consideration of this matter, I trust that there may be advance legislation.

CENSUS.

The law requires that a decennial census of the voters, population and industries of the state be taken in the year 1905. While the bureau of statistics of labor is charged with this duty new legislation will be required in order to enable the bureau to obtain the best results. All laws relating to this matter should be enacted at the present session, that ample time may be given to the bureau to prepare for this work.

COUNTY ACCOUNTS — MUNICIPAL ACCOUNTING — FEES.

I renew my recommendations of last year for legislation to provide for the consolidation of the department of the controller of county accounts with that of the auditor, for the adoption of a uniform system of municipal accounting throughout the Commonwealth, and for the paying of all fees received by salaried officers into the treasury of the state, county or municipality, as the case may be. This latter suggestion has been receiving the attention of a special committee of the general court, and I understand their report is ready for your consideration.

THE NEW CORPORATION LAW.

Under the old law corporations were taxed on all their property, tangible and intangible. The value of the corporate franchise, once determined, became the basis of taxation. From this value no deductions were allowed, except for real estate and machinery taxed locally. No matter how much stock in other corporations which had already paid a tax, no matter how much taxable property was held outside of the state, no deduction could be made on account of it. Home corporations were therefore subject to double taxation. This resulted in an unjust burden, and was the principal obstacle to organization under our laws. On the other hand, foreign corporations doing business in this state were not taxed by the state, and the local taxation was upon their tangible property only.

Hence, there were two classes of corporations doing business in the Commonwealth, — domestic and foreign; the one taxed upon all its property inside and outside of the state, both tangible and intangible; the other only upon its tangible property situated in the state. The

state thus discriminated against its own, and the result was, that during the last year that the old law was in effect only 274 corporations organized in Massachusetts, while 631, organized under foreign laws, filed the necessary authority to do business here.

The law passed at the last session of the legislature was designed to remedy this condition of affairs. By it domestic corporations have been placed upon practically the same basis as foreign.

In effect it provides that taxation of Massachusetts corporations shall not be more than twenty per cent in excess of the value of their tangible assets, less deductions for real estate and machinery taxed locally, property subject to taxation in other jurisdictions, and securities which, if owned by a natural person resident in this Commonwealth, would not be liable to taxation.

It is too early to form any reliable judgment as to the effect of the new law upon the revenues of the Commonwealth. But that it has resulted in encouraging the formation of corporations, and in making it possible for Massachusetts men to do business under Massachusetts charters, is already known. Under the old law, for the five months from August to December, inclusive, in 1902, there were only 81 corporations organized within the state; during the same period in 1903, under the new law, there were 360. The capital of the corporations organized during that period in 1902 was \$2,044,300; this year, \$27,366,410. The organization fees received by the state during the same period in 1902 were \$1,101; this year they were \$8,377.25. On the whole this law meets with the approval of our business men, and it would seem to be wise to give it further trial before making any radical amendments.

METROPOLITAN THOROUGHFARES.

The metropolitan district is becoming a compact city, largely as the result of outward growth from many centres originally distinct. That growth involved at first the laying out only of such streets as seemed necessary for immediate access from the nearest centre to the property which was to be developed thereby. Traffic between these centres, so long as the intervening regions offered no serious obstacles, found adequate highways; but as

the streams of traffic have increased they have outgrown these old roads, and it has become difficult to provide for them. The commercial and social prosperity of the district is dependent upon the convenience and speed with which these streams of traffic flow.

This matter is one of metropolitan rather than of local interest. In each instance the interests of several municipalities are involved. It is unfair for the burden, therefore, to rest upon one or upon two, and this unfairness acts as an impediment to the improvement of the transportation facilities of the whole community. Economy and efficiency can be obtained only by laying out these lines of traffic in a more comprehensive way than would be possible for the municipalities acting separately.

I suggest that an unpaid commission might profitably study the whole matter, examine the process of transportation within the metropolitan district, and report upon the feasibility of establishing some joint agency having authority to plan and control the future development of main thoroughfares and passenger railways, with a view to securing the maximum of efficiency, economy and convenience.

BUILDING LAWS.

The terrible catastrophe that has recently befallen the city of Chicago was one that wise laws and their rigid enforcement might have prevented. It is believed that our laws produce as satisfactory results and furnish as much protection as those of any state in the Union. But where life is involved we have no right to be satisfied with superior laws; we must know that we have the best that human wisdom can devise. With public opinion not only aroused, but demanding further and more complete regulations in all matters that are involved in the fire risk, the time is opportune for an important advance along such lines. I believe that this is work that the legislature should not undertake without having at hand the results of an investigation by experts; and I therefore suggest the earliest possible action looking to the appointment of a commission for this purpose, in order that legislation may speedily follow.

STATE AND MILITARY AID.

The provisions of law for the payment of state and military aid will expire with the year 1904. The state that has done so much to show its appreciation of the sacrifices of its soldiers and sailors will not, at a time when advancing age increases their need, deprive them of the assistance it has been rendering to them. The provisions of the present law should be extended, with such amendments, if any, as may seem to you necessary to meet present conditions.

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

In 1890 the Grand Army of the Republic met in the city of Boston for its annual encampment. That was fourteen years ago, and at that time the state made a liberal appropriation for the reception and entertainment of the organization. In the month of August in the present year the national encampment is again to be held in this city. You will be asked to make some provision for the entertainment of the gray-headed men who, in the dawn of their manhood, carried the guns that defended the homes of Massachusetts; and this request I commend to your favorable consideration.

MILITIA.

The militia is in good condition, and during the year has performed all the duties required by law, and shown marked progress and improvement. The attendance has been the largest of any year under the present organization. The force is harmonious, and, while it can never be expected that it will be beyond criticism, it is a source of satisfaction to know that its progress during the past year has been marked and constant.

Under the new national militia law the federal government is making more liberal provision and coming into closer touch with the militia than formerly. As a result a better equipment for the Commonwealth is possible, and greater efficiency may be expected. There is at the present time to our credit with the national government

the sum of \$145,000, which will thoroughly equip and uniform the entire force. As soon as may be reasonably done the militia will be reorganized to such extent as may be necessary to conform to the requirements of the national act, and thus make possible to the state the benefits to be derived therefrom.

The camp ground at Framingham is well adapted to parade purposes, but not to the practical work that is more and more engaging the attention of students of military science. It will soon be necessary to provide a larger area, where more extensive evolutions may be practised. The efficiency in marksmanship attained by our troops justifies such action as will provide them with suitable ranges, particularly for long-distance rifle shooting.

MUNICIPAL SUFFRAGE FOR WOMEN.

Notwithstanding the continuous and various efforts of public-spirited men to solve the problems of government which are constantly being presented there is much that is unsatisfactory, and new evils from time to time become only too apparent in our system. Perfection is not to be expected, but we should not relax any efforts to that end. It has seemed to some that prejudice, or at least a too rigid conservatism, inherited from prior and admittedly less advanced generations, causes us to persist in a one-sided form of government, administered only to the extent of man's wisdom, and deliberately refusing to avail ourselves of the benefits to be derived from the fine intuition, the sensitive conscience and the different, but brilliant, intellect of woman. Many of my predecessors, including in recent years Governors Claflin, Washburn, Long, Butler, Ames and Greenhalge, have directed the attention of the general court to this subject, and earnestly advocated the granting of the suffrage to women.

They receive the benefits of our educational system. They outnumber the young men in all our schools, colleges and universities. Equally with men do they pay their taxes, and they are held equally accountable for infractions of the law. They are equally interested in the economic and efficient management of civic affairs. They should have the same right as men, if they so desire, to vote for those who are to represent them in that management, — and that, too, irrespective of the question whether

other women similarly situated desire to exercise that right.

I respect that conservative feeling entertained by many, who, while not convinced either as to the benefit or the harm that would result from a complete extension of the suffrage to women, fear the consequences involved therein, and therefore object to the adoption of a constitutional amendment, with its practically permanent settlement of the question. But that there are subjects on which the women should have the right to vote has been recognized for years in the granting to them of that right in the elections of school boards, and it cannot be said that in its exercise they have not shown equal wisdom with the men. I therefore recommend that you grant to women the right to vote for municipal officers. If, after trial, the results are not satisfactory, the legislature can repeal the law; and in this connection I call your attention further to the fact that the municipal governments of Great Britain, where women, although not eligible to office, have the right to vote under certain conditions, do not suffer by comparison with the municipal governments of America.

INSURANCE.

It is manifest to those who are interested in following the great movements of the day that more and more people are obeying the leading of their better instincts in seeking to provide life insurance protection for their families. Many who are thus moved by their affections for those dependent upon them are themselves of small means, and have, therefore, naturally turned to protective insurance, in which the cost is small, and where there is among the members a feeling of fraternity and a mutual desire to assist each other. Although fraternal insurance in this country was in its infancy twenty-five years ago, the protection afforded by sixty of the largest of these orders now covers more than three and a half millions of homes, and for an amount exceeding five and a half billions of dollars. In Massachusetts these organizations have outstanding over 220,000 certificates, amounting to nearly \$300,000,000, and in the year ending Dec. 31, 1902, they paid in benefits to the people of Massachusetts nearly four and one half millions of dollars. Surely here is evidence of a popular desire, through the medium of these orders,

to do something in defence of the home and family, that merits sympathy and co-operation. With a sense of their responsibility the heads of these orders are giving earnest study to the great problems before them. The state, too, has a duty to perform in surrounding these institutions with such safeguards that they may be able to meet their obligations without question. The insurance departments of all the states have for more than a year been giving special attention, in conference with the fraternal leaders, to drafting a measure that will tend to the conservative protection of these vast interests. The insurance commissioners recently assembled in convention have adopted such a measure for consideration by the legislatures of their respective states, and thus a question of high importance will be submitted for your investigation, and for such action, either by adoption, modification or rejection, as you may deem wisest and best.

SAVINGS BANKS.

The condition of the savings banks of the Commonwealth indicates the extent of the material prosperity of our people. During the past year there has been an increase of 81,042 in the number of deposits, and of \$21,478,325.29 in the aggregate amount. On October 31 last there were to the credit of the depositors \$608,415,409.59, represented by 1,723,015 accounts, — an average of \$353.11 to each account. This indicates a most satisfactory condition.

INTEREST ON SAVINGS BANKS DEPOSITS.

Prior to 1876 the savings banks were permitted to place deposits on interest either monthly or quarterly, it being optional with the banks to adopt either system. Since that time however the statute has provided that deposits shall be placed on interest only once in three months. A controlling reason for the establishment of these banks was to encourage thrift in our people. A more liberal policy in regard to interest would tend to secure this object. The more often the period for the beginning of interest the greater the inducement for frequent deposits. I suggest therefore that the law be so changed that the banks may be permitted, as formerly, to place deposits on interest once a month.

BOARD OF CONCILIATION AND ARBITRATION.

Since 1886, which was a year of strikes, there has operated in this Commonwealth a system of settling labor difficulties. It has done much towards redressing actual grievances, and much to clarify thought on the labor question. It has met with approval in many other states. Through it the employer and the wage-earner have come together and defined the matter of their dispute, with a mutual settlement often resulting therefrom. Not only has there been conciliation of past differences, but there has been negotiation of agreements which has settled possible future difficulties. In the last year there were before the board 79 cases for arbitration and 102 cases of conciliation. There were 188 complaints made. Advice was given in 118 cases; there were 640 interviews, 96 conferences, and 352 unreported settlements in which the influence of the board was traceable. Hardly a day elapses that a difficulty of some kind is not brought to the board's attention, and advice given which materially improves the relations of the employer and the employee. Most of these efforts are not reported, but they are none the less valuable.

LABOR LAWS.

Labor is the great producer of wealth. Upon its prosperity depends the prosperity of the state. Its interests should be safeguarded on every hand. They cannot be overlooked; they cannot be dealt with carelessly, but must be considered with earnest thoughtfulness. Your predecessors recognized this fact when they provided for the appointment of a committee by the governor to consider and report on the laws concerning the legal relations between employers and employees. That committee is soon to report its findings to you. I need not bespeak for them your earnest and most considerate attention.

MANUFACTURES AND TRADE.

In speaking of the importance of the labor interests I desire to emphasize equally the importance of jealously guarding and encouraging manufacturing and commercial enterprise. In view of the growing rivalry, not only of

nations, but also of parts of this nation, for industrial supremacy; in view of the advantages offered in certain other states to enterprise and to capital by reason of the proximity of raw materials, and by reason also of less restrictive and less enlightened labor laws, it behooves us to at all times keep in mind the fact that any legislation which tends to place unreasonable restrictions upon the employer tends with equal certainty to work hardship to the employee.

Not only by guarding against measures which tend to cripple industry, but also by the employment of our best wisdom to devise means and methods for its encouragement, shall we best serve the state. In this connection I direct your attention also to the fact that, if we permit city and town debts, county and state obligations to so multiply as to make the local tax rates burdensome in comparison with those which prevail in other places, we shall discourage new business ventures, and slowly drive away existing industries.

The policy of the state in regard to municipal indebtedness is therefore of high importance.

MUNICIPAL INDEBTEDNESS.

For more than a quarter of a century there have been upon our statute book provisions limiting the debts of cities and towns, except for specified purposes, to a certain percentage of the assessors' valuations of their taxable property. The object of the statute was most commendable. It was intended to make certain that the rivalries of towns and cities, their desire for buildings, parks and other improvements, should not so far involve them in debt as to endanger their credit, or to make their rates of taxation a burden. There is similar statutory provision in many of the other states of the Union, and in several it has been made a part of the constitution, so as to absolutely prevent the legislature from making any exception. We shall have less burdensome conditions if the law is more strictly adhered to. I find that during the last ten years there have been passed scores of special bills, permitting the borrowing of money outside of the debt limit. I filed with the general court last year my objections to certain bills of this character. I trust that

in your action you may deem it wise to maintain the general law, and permit no exceptions thereto except in the case of some extraordinary emergency, where undoubted harm would result from your refusal.

FORESTRY.

Legislation is needed for the preservation and growth of forests. They not only make a state attractive, adding greatly to its health and beauty, but they make the springs more permanent; they give a more constant flow to the rivers; they make the water clearer and more soft; they are essential for the proper preservation of the water supplies of cities; and in time they become a source of large revenue.

The purchase by the state of nine hundred acres, in Rutland, of so-called waste land, yet land adapted to forestry development, for about \$6,000, indicates that without extravagance, and without placing any burden upon the present, we may benefit the future by procuring the land necessary for the establishment of forest reserves in the various sections of the state.

I suggest legislation that shall provide for the appointment of a state forester, competent, by education, special training and practical experience, to direct to the best advantage the efforts of towns and individuals in this matter, and capable of wisely planning and developing on a broad policy state forest reservations. This involves an appropriation for the beginning of the work and for the acquiring of land. Similar action has been taken in other countries, and there are some which are to-day deriving considerable revenue therefrom. New York and Pennsylvania have already adopted such a policy.

This is a question that much concerns the Massachusetts of to-morrow. It is the duty of the Massachusetts of to-day. Three million acres, or three fifths of the area of the state, are at the present time either woodland or waste land. The wood lot area is but one half of what it was in 1885, and the wood cut on the farms in the year 1900 is less than a third of what was cut ten years before. The timber of this state has practically disappeared, and the stump and sprout lands are deteriorating. We have a law permitting town forest reserves, but it has not been effective. We must adopt a more adequate policy.

AGRICULTURE.

The state board of agriculture has been in existence for fifty years. During that period it has been a powerful factor, conserving our agricultural interests. It is composed of the governor, lieutenant governor, secretary of the Commonwealth, the president of the Massachusetts Agricultural College, the chemist of the board, the secretary of the board, — all of whom are members, *ex officio* ; there are also three members appointed by the governor and one appointed from and by the Massachusetts Society for Promoting Agriculture, and one by each of the agricultural societies receiving an annual bounty from the Commonwealth. Thus there are over forty members of the board. The secretary, who is its executive officer, is elected by it.

The dairy bureau is nominally under the board of agriculture, and is composed of three of its members. These members are not selected by the board, but are appointed by the governor. The dairy bureau has no choice as to its secretary. He is the secretary of the board of agriculture, the result being that the bureau, while appointed by the governor, has as its executive officer a secretary with whose selection neither the governor nor the bureau has anything to do. The so-called general agent of the bureau is also appointed by the board, and is therefore practically not responsible to the bureau or to the secretary.

There is a cattle bureau, nominally under the board of agriculture, and a part of it, but practically separate from it. This bureau is composed of a single commissioner known as the chief of the cattle bureau. He is appointed by the governor. He does not report to the board, and his orders, when approved at all, are not approved by the board, but by the governor and council.

The board of agriculture is called a state board. While the governor is nominally a member, *ex-officio*, he is but one in forty-three, and has the appointment of but three members ; the others are neither elected by the people nor appointed by one elected by them, and are therefore far removed from responsibility to them.

It is not to be questioned that the state has derived much benefit from the services on this board of the men constituting its membership. Interest has been aroused

in different communities, and organizations for the promotion of agriculture and horticulture have been strengthened. They have been men of fidelity, honesty and ability. The secretary of the board is an able and untiring public servant. If there is fault to be found, it is not his, but the fault of the system. Executive work cannot be most successfully carried forward by a board of so many members, with their varying and conflicting ideas as to policies and methods to be pursued. The agricultural interests of the Commonwealth have the right to a state department, with a single commissioner at its head, appointed by the governor, with deputies acting under him, having charge respectively of the cattle, dairy and forestry interests, and possibly of the farmers' institutes. I would retain the board as an advisory board to such a department, with meetings to be held by it at stated intervals. Such a system would enable the adoption of a more progressive and energetic policy in the interests of every farmer in the state, it would be uniform and harmonious, and responsibility to the people would be definitely fixed.

The questions which the farmer wants answered, the direction and assistance which he requires, are not the same as those of forty or fifty years ago. During the last twenty years the population of the state has increased rapidly, but it has been chiefly in the cities, until now 87 per cent live away from the farms. In that period the farmer's home market has in Massachusetts been multiplied by three and one half. Our agricultural industries are being specialized, and these special branches are developing rapidly. The highest consideration for all these interests demands a system under which personal responsibility and strong leadership shall be possible.

SPECIAL LEGISLATION.

Special legislation is objectionable; many state constitutions forbid it. There may be instances where it is desirable, but such instances are few. A general act that operates to relieve the legislature of the necessity of passing special acts tends to shorten the length of all subsequent sessions. Whenever possible laws should be framed to cover whole classes of cases, and petitioners for particular acts should be referred to those laws.

TRUST COMPANIES.

Formerly no corporations were organized except under special acts. We have now however general laws covering nearly all classes of corporations, and the legislature is thus saved the immense amount of time that would be involved in considering the individual applications. Two years ago a commission was directed to investigate and report a general law for the formation of trust companies. You will soon receive the report of that commission. I believe it to be time for the adoption of such a law.

EXECUTIVE RESPONSIBILITY.

The greater the division of responsibility, the less effective will be the administration of the affairs of a state. A completely harmonious system cannot be expected where heads of departments are elected separately, and are in no wise responsible to, but, on the contrary, are independent of, both the governor and each other. This condition is however as old as the state, and is the only condition compatible with the constitution. Were we to contrast the state with the national system, with the experience of the federal government before us, we should unquestionably favor the national system, where responsibility is fixed in the president, and where that responsibility is made possible by giving to him the power of appointing the heads of the chief departments of state.

A year's experience convinces me that there have been other restrictions placed upon the executive, which not only were not demanded by the constitution, but are probably inconsistent with it, in so far as they have resulted in taking away that executive power which the constitution contemplates the executive shall have, and have vested it in various commissions and boards which are not responsible to him, nor to the people, nor to the general court, except as the latter may control them by legislation. The people refused a few years ago to adopt a constitutional amendment providing for biennial elections. They insisted that one year was a long enough term of office for the men whom they had selected; and yet the legislation to which I refer requires the governor, elected for one year, to appoint men to do executive

work, whose terms of office may be three years, five years or eight years. Thus the governor in fact projects his influence through a much longer period than that for which he was elected, and at the same time limits the executive power of the one who succeeds him. Appointees have a more secure term and a much longer one than the one who appoints; and the only control which he or his successor has over them is such as results from the courtesy due to the office of governor rather than from the authority vested in it, or such as results from his power of removal, with the consent of the council, for malfeasance in office. This power is not sufficient either to shape the policies or to change the methods of such officials, so long as they have done nothing which would justify the harsh course of their removal. Thus, in effect, these commissions are so far removed from direct responsibility to the governor, and hence to the people, as to make them practically independent of both during their term of office, provided they are not guilty of actual wrong.

The men composing the state commissions have given the state such satisfactory service and have been men of such high character that the evils which might naturally be expected from such a system have not appeared in any large degree; yet I believe it would have been better, would have resulted in more uniformity, would have in some cases been less expensive because preventing the multiplication of unnecessary offices and clerks, and would have been more in accord with the ideas of those who drafted our constitution, to have provided for the carrying on of the work of these commissions by the executive, through subordinate agencies immediately responsible to him. We shall return to such a system eventually, and I call your attention to it now, that in future legislation the principle may be recognized, if it meets with your approval; and that whenever new work is undertaken, or a new line of activities pursued, it may be done in such a way as to insure responsibility to the people through the executive.

CARE OF THE INSANE.

During the last year the state has been making ready for the increased number of insane to come under its care this year, as the result of the legislation of 1900. Our

asylums are overcrowded, but the acuteness of the situation will be relieved as soon as the appropriations made by the last legislature can be expended.

Conditions are such that in the opinion of the state board of insanity the Commonwealth must annually provide additional accommodations for 500 patients. If the expense for this purpose is to be a constant annual expense, it does not seem that a wise business policy would justify its bonding, even though it may be for new buildings or additions to old buildings, both of which are in the nature of permanent improvements. It would seem to be the part of wisdom rather to provide for the payment of all such annual expenses out of the current income.

The burning, only two days since, of a portion of the Taunton hospital, has but added to the demand for additional accommodations. It is a matter of much gratification however to learn from this incident how efficient is the management of these institutions. The fidelity and discipline that secured the conduct to a place of safety of several hundred insane women, at midnight, with the thermometer below zero, and the flames destroying the building about them, without the loss of a life or injury to a person, or the escape of an inmate, are worthy of the highest commendation.

PROVISION FOR NEW EXPENSES.

Under the act passed in the year 1900, before referred to, the entire expense for the care of the insane is placed upon the Commonwealth from and after the first day of January in the present year, and the cities and towns are relieved therefrom. The city of Boston is to continue to maintain its insane hospitals, but the Commonwealth will pay a stipulated sum for each patient cared for by the city.

The result of the change provided for by the statute four years ago is that, beginning with this year, the expense of the state for the care of the insane will be increased by about \$1,100,000 per year, and that of the municipalities will be reduced to the same extent. Hence the state tax must be largely increased each year, beginning with the present, in order to pay this extra expense, unless the legislature shall devise some new source of revenue.

Massachusetts seems to have been more generous than other great states of the Union, in the amount of taxes which it takes to itself and the amount which it leaves to the municipalities. The corporation tax is an illustration. New York does not pay any part of the corporation tax that it collects to the cities and towns. Massachusetts pays back the most of it, distributing it to those cities and towns where the stockholders in the corporation live. New York has fifty per cent of the liquor taxes; Massachusetts has but twenty-five per cent.

The investigation undertaken by the bureau of statistics of labor in the year 1895 clearly showed that intemperance contributes largely to those conditions which in turn produce pauperism, crime and insanity. Where the state so largely cares for the criminals and paupers, as it is doing at the present time, and then takes upon itself the expense of the care of the insane, it would seem as though a larger percentage than at present of the liquor taxes should be paid into its treasury.

I also direct your attention to the statutes relating to the inheritance tax. I have never been able to see why the state should place a premium upon selfishness, or encourage the keeping of great fortunes intact. As the law now stands the man of benevolent mind, who proposes to distribute any portion of his fortune among people outside of his immediate descendants, is practically warned that such distribution on his part will result in his estate having to pay a large tax to the Commonwealth; while if he adopts the more selfish course, and keeps his property entirely for his children, even though it may be far in excess of what they may need or require, no tax will be collected from it. I believe the tax should be not only on collateral, but also on direct inheritances, allowing exemptions within reasonable limits.

CONTINGENT DEBT.

The gross contingent debt of the state on the first day of January of the current year was \$61,769,412, all of which has been incurred for the benefit of particular municipalities and districts, and is paid by them and not by the state. The sinking funds applicable to the payment of this debt amounted to \$5,186,183.42, leaving the net contingent debt \$56,583,228.58.

The contingent debt of the Commonwealth has been increased during the year by the issue of the following loans :—

Armory Loan,	\$8,000 00
Metropolitan Parks Loan,	465,000 00
Metropolitan Parks Loan, Series Two (one half),	205,000 00
Metropolitan Sewerage Loan, north system,	500,000 00
Metropolitan Sewerage Loan, south system,	1,736,000 00
Metropolitan Water Loan,	2,000,000 00
Total,	<u>\$4,914,000 00</u>

An examination of this table shows that the entire increase of the contingent debt, with the exception of \$8,000 for the armories, was for the purpose of carrying on toward completion the great metropolitan improvements, upon the construction of which the state entered several years ago.

STATE DEBT.

The gross debt of the state incurred for state purposes on the first day of January was \$29,514,500. The sinking fund applicable to the payment of this debt was \$14,731,859.03. Deducting this sinking fund, we find the net debt of the state incurred for state purposes was on said date \$14,782,640.97.

The direct state debt has been increased the present year by the issuing of the following loans :—

Massachusetts War Loan,	\$5,000 00
Massachusetts Hospital for Consumptives Loan,	150,000 00
Massachusetts Hospital for Epileptics Loan,	50,000 00
Medfield Insane Asylum Loan,	165,500 00
Metropolitan Parks Loan, Series Two (one half),	205,000 00
Prisons and Hospitals Loan,	746,650 00
State Highway Loan,	400,000 00
State House Loan,	380,000 00
Total,	<u>\$2,102,150 00</u>
Boston, Hartford & Erie Railroad bond, paid,	973 80
	<u>\$2,101,176 70</u>

An examination into the items of expenditure upon which the above table is based reveals the fact that, of the \$2,100,000 increase in the debt, about \$1,000,000 were rendered necessary by the legislation of the year

1900 relating to the care of the insane ; \$380,000 were to pay damages under previous legislation to the owners of property on Beacon Hill affected by the law limiting the height of structures thereon ; \$400,000 were expended in continuance of the policy of the state in regard to highways. The debt has not been increased by any new policies entered upon during the past year.

The ordinary running expenses, including interest on the actual state debt, for the coming year, are estimated by the auditor to be not less than \$9,724,064.17 ; the estimated receipts for this year, including cash on hand, are \$7,341,698.32 ; so that, unless measures are adopted to increase the revenue, it will be necessary to tax the people this year \$2,382,365.85, — and that without authorizing a dollar of unusual or extraordinary expense. The reason that the amount will be so large, is, as before stated, the transfer of the expense of the care of the insane from the cities and towns to the state.

This brief statement of the financial condition of the Commonwealth indicates that extreme caution should be exercised in entering upon new enterprises and in authorizing further expenditures.

Appropriations for new buildings and additions for institutions should be scrutinized with great care, and further appropriations for improvement of harbors should not be granted until those already made have been expended, and the results of such expenditure ascertained.

CHANGE IN FINANCIAL YEAR.

The financial year now ends on December 31. This comes so near inauguration day that it is almost impossible to prepare accurate information as to the last fiscal year, in time for the consideration of the legislature. If the year ended on September 30, it would be possible for the information to be presented in a much more satisfactory manner. The financial year of the institutions now ends on September 30, so that the adoption of this suggestion would make the fiscal year of the state and that of the institutions the same. This would be an advantage.

Appropriations for institutions are now made for the political year, with the result that the reports are made up for a different year than that for which the appropriations are made. This leads to obscurity and inconvenience. It is an unsatisfactory system, although old. The appro-

priations should be for the fiscal year, each institution having a right, as now, to incur expense in anticipation of its appropriation in proportion to the amount of the one last made.

If the year were made to end on September 30, then all bills to be paid out of the regular appropriations should be in by October 31, at which time the books could be closed, thus leaving two months to prepare a statement for the legislature, and permitting of its study in advance of the coming together of the general court. Now the law recognizes that not even a preliminary abstract of his report can be required of the auditor before January 30.

Senators and Representatives :— Every nation earlier or later exhibits to the world certain characteristics by which it becomes known. We speak of the spirit of the Spartan, the Athenian, the Roman, the American. Sometimes such a reference calls to our mind only a single prominent quality, but more often a composite quality, made up of many, in the aggregate not easy to describe, but needing no explanation. We speak of the spirit of Massachusetts. It means something to us. It means the spirit of the forefathers in the wilderness, of those who drove out Andros, of those who fomented the revolution, of those who denounced slavery, of those who quickened a nation's conscience, of those who battled for the Union, of those who conquer arrogance with education, woe with philanthropy, superstition with Christian effort; it is the spirit of men who take life seriously, whom small things do not move; it is the spirit of men whose enterprise reaches far, whose liberty cannot be restricted, whose mind cannot be bound, and whose heart is as large as humanity. To be here as the representatives of such a spirit is no mean honor. How can we best serve it? Not by placing the interests of the state secondary to those of the individual, secondary to those of the district, secondary to the demands of a local constituency; not by mistaking the clamorous voice of those who are seeking to promote their selfish aims for the voice of the people; not by mistaking partisanship for patriotism; but rather by placing Massachusetts first and her interests foremost in all our doings. In the discharge of all our duties may we be guided by an overruling Providence, serve the Commonwealth, keep Massachusetts to the front.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 9, 1904.]

I have the honor to herewith present, in compliance with chapter 50 of the resolves of 1860, a report of the twenty-four pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of the number thus released, six were in the state prison, five in the Massachusetts reformatory, six in the reformatory prison for women and seven in houses of correction. Serious illness was the controlling reason for the discharge of three.

JOHN L. BATES.

Pardons.

No. 1. ERNEST CHAMPAGNE. Convicted of vagrancy, District Court of Hampshire, Oct. 21, 1902. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 4, 1903, upon the recommendation of the prison commissioners. He had no previous court record. His conduct in the reformatory was perfect. Immediate employment awaited him.

No. 2. JENNIE P. NEWTON. Convicted of drunkenness, Superior Court, Middlesex county, Nov. 5, 1902. Sentenced to the reformatory prison for women for one year. Pardoned Feb. 18, 1903, upon the recommendation of the prison commissioners. The prisoner was a married woman and was soon to be confined.

No. 3. MARY CRAIK. Convicted of drunkenness before trial justice George H. Poor, Essex county, Nov. 17, 1902. Sentenced to the reformatory prison for women for one year. Pardoned March 18, 1903, upon the recommendation of the prison commissioners. She had five children between the ages of six and sixteen and was very much needed in her home. The commissioners were of the opinion that she had been sufficiently punished, and that she would probably refrain from her old habits. Pardons.

No. 4. AGNES PERCY. Convicted of stubbornness, Second District Court of Bristol, Jan. 7, 1903. Sentenced to the reformatory prison for women for one year. Pardoned April 22, 1903, upon the recommendation of the prison commissioners. Through some misunderstanding at the time of trial she was sentenced to the reformatory instead of being placed on probation. She had always borne a good reputation, and no suspicion of wrong-doing had ever been brought against her.

No. 5. EUGENE MORIARTY. Convicted of rape, Superior Court, Bristol county, Nov. 20, 1899. Sentenced to the state prison for from twelve to fifteen years. Pardoned May 13, 1903, upon the recommendation of the mayor, city marshal, and many of the leading citizens of Fall River, where the alleged crime was said to have been committed, who believed "that, in view of the grave doubt which has always existed as to his guilt, sufficient punishment had been inflicted upon him." After a very careful investigation, it was learned that the principal witness was a woman of bad character and an inmate of a house of ill repute. The prisoner had always been a respectable man. His record in the prison had been perfect.

No. 6. DAVID SIMONIAN. Convicted of manslaughter, Superior Court, Worcester county, May 28, 1901. Sentenced to the house of correction for three years. Pardoned May 27, 1903, upon the recommendation of the district attorney and the jail physician. The prisoner had been steadily failing with consumption for some months, with but little hope of recovery, and was a source of danger to the other prisoners. It was accordingly decided to remit the remaining seven months of his sentence. There were many extenuating circumstances in this case.

Pardons.

He was sitting quietly on his own doorstep when attacked, and fired the shot, as he considered it, in self-defence, while in a condition of terror and nervous excitement. He had never before been arrested for any offence.

No. 7. NINA DANFORTH. Convicted of manslaughter, Superior Court, Middlesex county, Nov. 12, 1902. Sentenced to the house of correction for twenty-one months. Pardoned June 10, 1903. The ground for favorable action rested on mental and physical conditions of the prisoner that had developed since sentence was passed, and of which the court could not have been cognizant. It appeared from the testimony of the sheriff of Middlesex county, of the physician in charge of the house of correction, and of the Commonwealth's expert on mental diseases, that since sentence was passed by the court the prisoner had recovered from a disposition to suicide; but that, owing to her physical infirmities, confinement, especially in hot weather, was exerting upon her bodily and mental health unusual and serious injury.

No. 8. MICHAEL COURTNEY. Convicted of larceny, Central District Court of Worcester, April 25, 1903. Sentenced to pay a fine of fifty dollars. Pardoned June 16, 1903, upon the recommendation of the justice who imposed the sentence, the district attorney, and the probation officer. Courtney was utterly unable to pay the fine, being without means of any kind. He had a wife and six children, who were being supported by charity. The seven weeks' imprisonment already suffered was considered, under all the circumstances, sufficient punishment.

No. 9. JOSEPH M. DILL, Jr. Convicted of attempting to commit abortion, Superior Court, Barnstable county, April 6, 1900. Sentenced to the state prison for from four to five years. Pardoned June 23, 1903, on the ground that the ends of justice had been satisfied. The district attorney and the arresting officer, owing to newly discovered evidence, both agreed that the case was not entirely clear against Dill.

No. 10. ELLEN CROCKER. Convicted of larceny, District Court of East Norfolk, May 14, 1903. Sentenced

to the reformatory prison for women for one year. **Pardons.** Pardoned June 23, 1903, upon the recommendation of the chairman of the prison commissioners. The prisoner, an old lady who was mentally unbalanced, wandered away from home. She was arrested for stealing a silver plated fork from a dining saloon; she could give no account of herself, and, as she had solicited money from several persons, she was believed to be an imposter, and sentenced accordingly. She had two married daughters who made an unsuccessful search for her. The chief of police of North Attleborough sent postals to all the cities and towns within forty miles and finally located her at the reformatory. On account of her mental condition and hitherto blameless life the pardon was granted.

No. 11. **WILLIAM W. JUDSON.** Convicted of adultery, Superior Court, Suffolk county, May term, 1902. Sentenced to the house of correction for two years. Pardoned July 22, 1903, upon the recommendation of the district attorney and the wife of the prisoner, who was the complainant. She was in very poor health and had no means of support, and immediate employment awaited him.

No. 12. **MIKE FATOUCH.** Convicted of indecent exposure, Second District Court of Bristol, April 1, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 22, 1903. Newly discovered evidence tended to show that the prisoner, a Syrian, and but fifteen years of age, was wrongfully convicted, and a cousin, who evaded the officers, was the guilty one. Fatouch had no counsel at the trial, and his mother, who was present, could not understand English.

No. 13. **PHILANDER ALLEN.** Convicted of assault, Superior Court, Norfolk county, July 10, 1902. Sentenced to the house of correction for two years. Pardoned July 30, 1903, upon the recommendation of the district attorney, and the sheriff of Norfolk county, who certified that Allen undoubtedly made the assault in heat of passion and immediately following a disagreeable altercation between the party assaulted and himself. The district attorney believed that the law had been vindicated, and the offence for which he was convicted had been suffi-

Pardons.

ciently punished. The prisoner's wife was seriously ill with a fatal disease, and his continued imprisonment tended to aggravate her condition.

No. 14. GEORGE NORTON. Convicted of stubbornness, Police Court of Lawrence, March 25, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 30, 1903, upon the recommendation of the prison commissioners. In a fit of anger the father had the boy arrested for disobedience, and appeared in court as a complainant. The father stated that he thought his son would be sent away to a school for a month or two only, and that had he fully understood the consequences he would not have had him arrested. The boy was never before in court.

No. 15. JAMES A. LAVERY. Convicted of robbery, Superior Court, Suffolk county, January term, 1900. Sentenced to the state prison for from six to fifteen years. Pardoned Aug. 7, 1903, upon the recommendation of many of the prominent citizens of East Boston, where the crime was committed. The prisoner committed the offence while under the influence of liquor. Between the date of the indictment and the trial of the same, covering a period of eight years, the prisoner had procured employment, had married and settled down in life and been a law-abiding citizen and faithful to his obligations. At the time of his arrest he was assistant engineer on the steamboat "Admiral Farragut," plying between Boston and Jamaica. His former employer was ready to take him back if released from prison. The pardon committee were of the opinion that he had been sufficiently punished for the crime committed.

No. 16. WILLIAM GALLIGAN. Convicted of breaking and entering, Superior Court, Bristol county, Feb. 20, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Aug. 26, 1903, upon the recommendation of the district attorney. Galligan with three other boys pleaded guilty, and were all sentenced to the reformatory. After they were sentenced the district attorney learned that Galligan did not share in the distribution of the plunder, that he endeavored to dissuade the defendants from further crimes, and that he assisted

the officers in recovering such of the stolen property as he knew about. Had these facts been known at time of sentence Galligan would undoubtedly have been placed on probation. Pardons.

No. 17. **MARTHA WILLIAMS.** Convicted of murder, second degree, Superior Court, Bristol county, March 12, 1900. Sentenced to the house of correction for life. Pardoned Sept. 17, 1903, upon the recommendation of the attorney-general, and the district attorney who prosecuted the case, who, under date of March 21, 1900, stated that : —

We regard the case as one of those in which, if the course of conduct of the prisoner while in confinement warrants such a proceeding, a strong case will be presented for the exercise of the pardoning power; and I am willing that you should preserve this letter, and, whenever the proper time comes, use it as an expression of the opinion of the attorneys in charge of the case, familiar with the facts, and knowing the condition of the woman and the things that led to the commission of the crime by her; that while no other technical result than the life sentence which follows the plea of guilty of murder in the second degree is now possible, yet a strong case for eventual pardon is made out from the facts; and that if I were in office at the time such a petition should be presented, I see no reason why I should not say what I have now said here to the pardoning power.

Very truly yours, **HOSEA M. KNOWLTON, Attorney-General.**

I agree in the suggestions contained in the foregoing letter.

LEMUEL LEB. HOLMES, District Attorney.

The prisoner was convicted of the murder of her illegitimate child. It was claimed that at the time the crime was committed she was laboring under great mental excitement, which made her, at least temporarily, not responsible for her action. Her health was being undermined by her confinement. She had been a well-behaved prisoner, but was not able to do much work on account of her health, which seemed to be declining gradually under a severe mental strain. She was naturally not very strong minded, and it was not likely she could remain in prison many years without becoming unbalanced.

No. 18. **THOMAS F. LOGUE.** Convicted of highway robbery, Superior Court, Middlesex county, June 27, 1899. Sentenced to the state prison for life. Pardoned Oct. 20, 1903. Logue had been in the prison hospital nearly three years; he was ill with pulmonary tubercu-

Pardons.

losis, with no possible hope of recovery. Mr. Cover, the party assaulted, recommended that a pardon be granted on account of fatal illness, so that he might be allowed to die at home.

No. 19. WILLIAM J. DONAHER. Convicted of vagrancy, Central District Court of Worcester, Oct. 6, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 25, 1903, upon the recommendation of the prison commissioners. He was sixteen years old, had committed no crime and had a good home to go to.

No. 20. MARY McDONOUGH. Convicted of drunkenness, Second District Court of Eastern Middlesex, June 29, 1903. Sentenced to the reformatory prison for women for one year. Pardoned Dec. 16, 1903, upon the recommendation of the justice who imposed the sentence, the mayor, chief of police, probation officer, and the representatives from Waltham, who believed that she had been sufficiently punished.

No. 21. MAURICE M. AHERN. Convicted of breaking and entering, Superior Court, Suffolk county, Sept. 8, 1902. Sentenced to the state prison for from four to five years. Pardoned Dec. 23, 1903, upon the recommendation of the district attorney, who certified that "there was so much doubt of his guilt that he should be released." He was regarded as a harmless, good-natured fellow, weak and addicted to drink, but had never before been arrested for committing any crime.

No. 22. ADA RAY. Convicted of being idle and disorderly, First District Court of Eastern Middlesex, Oct. 14, 1902. Sentenced to the reformatory prison for women for two years. Pardoned Dec. 23, 1903, upon the recommendation of the prison commissioners. The superintendent of the prison stated that Ada, who was eighteen years old at the time of commitment, was a quiet, inoffensive girl, who seemed to be weak rather than wicked. The commissioners were of the opinion that she had been sufficiently punished. She had a good home to go to with an aunt in New Hampshire.

No. 23. EDWARD C. S. TANNER. Convicted of larceny, Superior Court, Suffolk county, Aug. 10, 1903. Sentenced to the house of correction for eighteen months. Pardoned Dec. 23, 1903. The district attorney certified that the prisoner made full restitution before sentence, but with no understanding that a sentence would not be imposed. His wife was seriously ill with an incurable disease and had but a short time to live; for the latter reason and because restitution was made the district attorney advised that a pardon be granted. Pardons.

No. 24. DAVID LUBJINSKI, *alias* DAVID WREN. Convicted of abandoning an infant child, District Court of Western Worcester, Feb. 25, 1903. Sentenced to two years in the house of correction. Pardoned Dec. 30, 1903. At the time of his trial he claimed to be married to the woman whose child was abandoned. The couple roomed together in Worcester, and took the child to East Brookfield one night and left it on the piazza of a relative's house. The infant was wrapped up warmly and did not suffer from the cold. It was soon discovered by a child who was passing. Lubjinski was sentenced as above stated but the woman was discharged. Pardon was granted upon condition that the prisoner marry Della Wren, the mother of the child, before leaving the prison. They were married on the evening of December 30, at the house of correction.

[The honorable senate and house of representatives, January 20, 1904.]

I have the honor to transmit herewith, for your information, the report of the adjutant general of Massachusetts, relative to veterans of the civil war who never have received bounties, made in compliance with the provisions of chapter 100 of the resolves of the year 1903.

[The honorable senate and house of representatives, February 2, 1904.]

I have the honor to transmit herewith a communication received by me from the board of managers for Massachusetts of the Louisiana purchase exposition for such action as you may deem advisable.

[The honorable senate and house of representatives, February 2, 1904.]

I have the honor to inform you that during August, 1903, expenses amounting to about \$2,300 were incurred in connection with the transportation of the first regiment, heavy artillery, to Portland, Maine, that it might take part in the army and navy manœuvres. These expenses are chargeable to the United States government, which, I am assured, will pay them; but they may be more conveniently collected in behalf of the Commonwealth than in behalf of the individual claimants, and I therefore recommend the passage of an act appropriating money for their payment in the first instance by the Commonwealth, it being understood that the government of the United States will reimburse the Commonwealth.

[The honorable senate and house of representatives, February 5, 1904.]

I have the honor to transmit to you herewith a report made to me in accordance with the provisions of chapter 405 of the acts of the year 1891, by the state board of commissioners for promoting uniformity of legislation in the United States.

[The honorable senate and house of representatives, February 24, 1904.]

I have the honor to transmit herewith for your consideration, the official invitation to the Commonwealth of Massachusetts to make an exhibit at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, to be held in the city of Portland, Oregon, in the year 1905.

[The honorable senate and house of representatives, March 7, 1904.]

I transmit to you herewith a copy of the report of the board of police for the city of Boston, made to me in accordance with law, and I direct your attention to that portion of the report contained in pages numbered fourteen to twenty-five, which relates to the work of the board as prescribed by chapter 279 of the acts and resolves of the year 1903, known as the police registration act; and particularly do I commend to your favorable consideration the perfecting amendments therein suggested.

[The honorable senate and house of representatives, March 31, 1904.]

I return herewith with my objections in writing an act entitled "An Act to authorize the city of Fall River to incur indebtedness for street paving beyond its debt limit."

This is a special act. It is contrary to the general law of the state, which limits the indebtedness of cities to two and one half per cent of their valuation. The object of this general law, passed many years ago, was to prevent a city from increasing its debt to such an extent as to impair its credit or to burden its tax payers. Exceptions should be allowed only when some public exigency demands it.

Because of alleged urgent necessities, Fall River has already been allowed by the present general court to borrow money outside of its debt limit for parks and sewers. During the last nine years this same city has been allowed fourteen times, by special acts of the legislature, to borrow money beyond its debt limit. Without discussing the merits of these acts, it is to be noted that in each instance the purpose for which the debt was to be contracted was the construction of some permanent public improvement.

The bill herewith returned permits the city to borrow \$100,000 outside the debt limit for paving purposes. The paving of streets is in the nature of a temporary, and not a permanent improvement. Every city recognizing that there is more or less constant annual expense for paving should meet such expense so far as possible out of current income. When that is not possible, the paving should certainly be provided for out of money borrowed within, and not without the debt limit. The legislature has in the past been so liberal in allowing Fall River to borrow outside the limit that it had on the first of January a borrowing capacity of over \$220,000 within the limit. If such items of a city's expense as paving are not to be included within this limit, it is difficult to understand what should be so included.

Over two dollars of the money raised by taxes on each thousand of Fall River's valuation was used last year to pay interest on the debt of the city. I am unwilling to sanction any further increase of this burden.

For the reasons then that this bill is objectionable

because it is special legislation, because it contravenes the general law of the state, and because it is unnecessary, inasmuch as the city can without legislation borrow the money inside of the debt limit, if it so pleases, I return this bill without my signature.

[The honorable senate and house of representatives, April 11, 1904.]

I have the honor to transmit herewith for your consideration and action two communications from Honorable James Wilson, secretary of the United States department of agriculture, requesting the cession of a site in the town of Nantucket upon which may be erected a weather bureau observatory.

[The honorable senate and house of representatives, April 12, 1904.]

I return herewith an act entitled "An Act to authorize the renting of state armories for certain purposes," with my objections thereto in writing.

It has been the established law of this Commonwealth that state armories shall not be rented, except for military purposes. This bill contemplates a radical change in that policy. It permits, with the approval of the adjutant general, the renting of a state armory for any purpose whatsoever, the rental received not to go into the state treasury, but to be devoted to such purposes as the company or companies using the armory may determine. This is not a wise change. The militia companies were never so fully provided for by the state as at present. They are furnished with armories, with light and heat, with furniture, and with all the necessary equipment demanded for military training. There is, therefore, no need from a military standpoint of passing this bill in order that companies may have the money with which to equip themselves or their armories.

This bill provides that the armories may be rented by the companies occupying them. The armories will thus be brought into competition with private property used for balls and entertainments. It is not just that those who have invested their money in private halls and theatres, which must be rented so as to pay an income on the investment, and which also have to bear their share of the burden of taxation, should be brought into competition

with buildings erected for military purposes, exempted from taxation, and paid for out of the public treasury.

Believing, therefore, that this bill is unnecessary, and that it is contrary to a wise and conservative public policy, I return it without my signature.

[The honorable senate and house of representatives, April 18, 1904.]

I send you herewith a communication received by me from the commissioner of corporations, the insurance commissioner, and the savings banks commissioners, urging the importance of legislation to regulate and supervise the business of so-called bond and investment companies, together with the opinion of the assistant attorney-general in regard thereto. This matter seems to be of such a character as to merit your early and careful consideration.

[The honorable senate and house of representatives, May 2, 1904.]

By chapter 142 of the acts of 1902, the powers and duties of the state fire marshal were transferred to the Massachusetts district police, and by chapter 365 of the acts of 1903, it was further provided that there should be appointed a deputy chief of the detective department of the district police, and that the deputy chief of the fire marshal's department serving at the time of the approval of the act should be preferred for appointment as such deputy chief of the detective department, and if so appointed, should serve in the latter capacity without additional compensation. It was probably the intention of the legislature in the enactment of the last mentioned statute to provide that the position of deputy chief of the detective department, and that of deputy chief of the fire marshal's department should be filled by the same person, and at one salary, but as a matter of fact the statute was so limited in phrase as to apply only to the individual at that time occupying the position of deputy chief of the fire marshal's department.

The result is that the recently appointed deputy chief of the detective department has no power to act as deputy chief of the fire marshal's department. If he were to be appointed also to the latter position, it would appear that a salary would attach to each office, which condition would conflict with the general provision of our law to the effect that a person shall not at the same time receive more than

one salary from the treasury of the Commonwealth, a conflict which could only be avoided by entering into an agreement with the appointee as to which salary he would accept, and which he would waive, a condition inconsistent with the true relations that ought to exist between the Commonwealth and its officers or agents. If, on the other hand, an appointment were to be made of a person other than the deputy chief of the detective department to the position of deputy chief of the fire marshal's department, we should then have two officers each drawing a salary, but together doing only the work that it was contemplated should be done by one officer at one salary. I therefore suggest the enactment of such legislation as may be necessary to place upon the deputy chief of the detective department the duties of the deputy chief of the fire marshal's department. In this connection I suggest for your further consideration that inasmuch as the state police are practically divided into two forces, namely, that of detectives, including the fire marshal's aids, and that of the inspectors, with duties entirely independent the one of the other, and dissimilar in character, that it would be advisable to have not only a deputy chief of the detective department as now provided by law, but also a deputy chief of the inspection department, each to have entire charge of his respective department under the supervision of the chief of the district police; it being further provided that in case of the absence or disability of the chief, the deputy chief of the detective department should act as chief, and in case of his disability the deputy of the inspection department.

And in furtherance of this plan I suggest consideration as to the wisdom of longer continuing the fire marshal's department as a separate department of the district police. If its powers and duties were transferred to the detective department, and provision made for a chief fire inspector to take the place of the present chief aid of the fire marshal's department and for six fire inspectors instead of the present aids, all to be members of the detective department, the resulting system would be much simpler in its workings, and not less effective in its results.

I submit herewith a draft of a bill prepared by the attorney-general covering these suggestions.

[The honorable senate and house of representatives, May 7, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to authorize the town of Provincetown to contract for furnishing the town with electricity and with water, and for services in connection with the town's present water supply."

This bill permits the town of Provincetown to contract with any corporation organized under the laws of this Commonwealth to light the streets of said town by electricity, or to furnish the said town with electricity for lighting said streets, and for other purposes, and also to furnish a supply of water to said town, or to perform any service in connection with the town's present water supply. By section 2, the bill does not become effective unless accepted by a two thirds vote of the voters.

It has been assumed for many years that cities and towns in this Commonwealth have the right to contract for the lighting of their streets by electricity.

It has been the common practice, and without the authority of any special legislation. This right has frequently been recognized by the courts, and distinctly so by several legislative enactments. The same is true in regard to the right of a town to make contracts for a supply of water. This act is therefore unnecessary legislation if the only object of it, as I am assured, is to enable the town to make contracts for its lighting, and for its water supply.

If the words "for other purposes," as used in the bill, are to be construed as meaning town purposes only, then also this legislation is unnecessary. If they are to be construed as having a broader significance, then they are objectionable both as being vague, and as concealing purposes not apparent on the face of the bill. Indeed, they might be so construed as to permit the town to enter upon business enterprises not consistent with or within the limits of municipal functions.

The corporation furnishing electricity and water to Provincetown under the authority of a contract made under this act might well claim by virtue of it to be beyond the control and supervision of the board of gas and electric light commissioners, a condition of affairs probably not contemplated by those who proposed this bill, but one which certainly would not be in the interests of

the citizens of the town, inasmuch as it would deprive them of that protection which the general law has thrown around all the cities and towns in the state.

A further serious objection is that this bill confers upon the contracting corporation powers and privileges that may not, without special legislation, be enjoyed by any one corporation. If special powers of the kind herein contemplated can ever be justifiably conferred, they should be by legislation avowedly directed to that particular end, rather than as a mere incident by implication of legislation apparently directed to another purpose.

[The honorable senate and house of representatives, May 14, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to provide for the construction of conduits for Stony brook in the city of Boston, and for the reconstruction of a part of the sewerage system of said city above the proposed dam of the Charles River basin."

This bill is an unnecessary interference with the principles of home rule. It is compulsory upon the city of Boston, instead of being permissive. It is based upon the petitions of several parties, including the petition of the mayor of the city of Boston, but the latter informs me that it is not satisfactory to him in its present condition inasmuch as it does not accomplish the main object of his petition, which was the repeal of section 5 of chapter 465 of last year, a section that provided for the building of marginal conduits, which, under the plan now proposed by the city, will not be necessary.

No appropriation can be made by the city of Boston, even for ordinary running expenses, without the consent of the city council, and yet the legislature proposes by this bill to allow the expenditure of \$1,500,000 outside the debt limit without giving the city council any voice whatever in the matter.

The burden of debt of the city of Boston at the present time is such that any increase of that debt beyond the statutory limit fixed by general law should not be sanctioned, except where some urgent need requires it. There appears to be no such urgent need in this case. There is legislation sufficient at present to do all the work contemplated under this act, and it can be done without the

issuing of any bonds except those already authorized by the legislature, for, under the act of 1897 the city may expend beyond its statutory debt limit \$1,000,000 annually for any sewerage purpose that it sees fit, and under the act of last year it may also expend an amount estimated at about \$600,000 per year. If we add to these amounts the \$500,000 annually permitted by this bill, the legislature will then have authorized the expenditure by the city of Boston outside of the debt limit for several years to come of \$2,100,000 annually, an amount which present conditions seem neither to require nor to justify.

[The honorable senate and house of representatives, May 16, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to authorize the city of Boston to improve Centre street."

This bill authorizes the city of Boston to improve Centre street at an expense of \$300,000, to be incurred outside the debt limit.

The maintenance of the general law limiting the amount of indebtedness which a municipality may incur is in the interest of all the people of the Commonwealth. It inspires confidence in property owners, keeps taxation within reasonable limits, makes the Commonwealth attractive to men of capital, and thereby makes possible the development of enterprises that tend to the employment of labor with resultant prosperity to the state. Exceptions should be made only where a municipality, after careful consideration of the various demands that it must meet, finds it impossible to meet all its necessities within the limit.

If money is to be borrowed outside the debt limit for street improvements it should be for those most urgent. What those are can only be determined after a careful examination of the needs of every part of a city. Such examination it is neither advisable nor possible for a legislature to make. It should be done by the local authorities, and it is to be noted that the authorities of the city of Boston have not been diffident about asking for the right to borrow outside of the debt limit whenever they have thought it advisable for any purpose. The fact that they have not asked for this bill indicates either that they do not consider it an expense necessary to be incurred by

the city at the present time, or that they do not find it necessary to go outside of the debt limit to meet it.

If Centre street is the one street in Boston which most requires improvement, then such improvement should be demanded of the local authorities, and not of the state legislature. The revenue of the city of Boston will be larger this year than ever before. The single item of saving to the city by reason of the state assuming the care of the insane will be sufficient to pay for the improvement provided for by this bill if the city authorities desire to use it for that purpose. If the improvement, however, cannot be made from current revenue, it should be made from funds to be borrowed within the debt limit. On the 5th of May the city of Boston had a borrowing capacity within the debt limit of \$2,607,400, which amount I assume will be borrowed and expended for those objects which seem to the local authorities to be the most meritorious.

For the reasons then that this bill is special legislation, that it impairs the general law limiting the indebtedness of cities, that it treats of a matter purely local in its character, which should be left to the consideration of the local authorities, and that it allows an increase of the debt of the city outside the statutory limit without any sufficient apparent reason therefor, I return it without my approval.

[The honorable senate and house of representatives, May 18, 1904.]

I return herewith an act entitled "An Act to incorporate the Massachusetts Casualty Company," with my objections thereto in writing.

This act is obviously special legislation. By its provisions the men named in the bill, their associates and successors, are made a corporation for the purpose of transacting the business of casualty insurance as specified in the 4th and 5th clauses of section 29 of chapter 118 of the Revised Laws.

The chapter of the Revised Laws referred to is the insurance law of the Commonwealth. It is the outgrowth of the wisdom of the legislators of previous general courts. It has met with the approval of the insurance commissioner of the Commonwealth and those who preceded him in that honored office. It is drafted not in the interests

of the companies, but in the interests of the people for the protection of the policy holders. The policy firmly established by this legislation limits an insurance company to the transaction of but one of the several classes of insurance business mentioned in the said law. By this restriction greater safety to the policy holders was thought to be assured. That the law has met with general public approval is shown by the fact that although on the statute books for many years, it has not been repealed.

The object of this bill is to give certain men a special charter by which two classes of insurance business can be conducted by one company at the same time, and upon a capital only one half as large as that which would be required under the general law for the conduct of two classes of insurance business. The bill does not therefore change the general policy, but allows an exception to it for a favored company.

The passage of such a measure under existing conditions might lead to retaliatory legislation in other states, inasmuch as under it there are granted rights which are not accorded to foreign companies doing business within this Commonwealth.

But the great serious objection to this bill is that it discriminates in such a way as cannot be justified. Article VI of the Massachusetts Bill of Rights says:—"No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public." I believe this bill is in violation of that sentiment, and that this measure is open to every objection that can be brought against any special legislation. It gives certain men privileges denied under the general law to all other citizens of the Commonwealth.

It has been represented to me as a reason for signing this bill that a company now doing business in this Commonwealth has a practical monopoly of one of the classes of business mentioned in this bill. I do not know whether this statement is correct or not, but I do know that no company is doing business in this Commonwealth of this character under any special legislation, but only under the general law, and that law makes it possible for any company that is willing to conform to its conditions to do business on equal terms with every other company.

If the long-standing policy in this state is a wise one it should be kept intact. If it is not wise it should be changed so that all companies will be treated alike.

Believing, therefore, that the passage of this measure would be unwise from the standpoint of our relations with other states, that it is a departure from the conservative and safe policy of the Commonwealth, and that it is wrong in principle by reason of its discrimination among our citizens, I return it without my approval.

[The honorable senate and house of representatives, May 19, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act relative to call members of the fire departments in cities and towns."

If this bill aimed merely to give men who had served as call members in a fire department a preference in appointments to the permanent force over those who had not such experience, it would be entirely unnecessary because such preference is given under the rules established under the authority of law by the civil service commission. It is the invariable practice of the board of examiners to mark applicants upon the subject of experience. Those who have had no special experience in fire work and whose record is clear are given a mark of 65 on that subject. Those who have had experience of value in the fire service are given a mark of 5, 10, 15, 20 or more above 65, as in the opinion of the examiners the experience seems to warrant. The fact, therefore, that a man has served as a call fireman and given satisfactory service already gives him a special advantage over persons who have had no such experience.

But the object of this bill is more than this. It aims to give call men under certain conditions an absolute preference over other applicants, and enables them to be appointed without passing the examination required by the civil service commission. The examination is simple, and the appointment of men who cannot pass it would tend to lower the character of the service. Intelligent men are needed in this important employment, and the present law works well in securing such men.

It is unjust to superior men to give an absolute preference as this bill would do to those who may be inferior in their general qualifications, but who have by chance

been so situated that they could serve as call men in the fire department. The Commonwealth seeks the best service and opens the door to all citizens equally.

It is further to be noted that this bill is objectionable because it gives opportunity for political appointments from among call men within the class designated.

The bill is hostile to the principle upon which the general civil service law rests, namely, appointments free to all based upon fitness to do the required work. Civil service laws are valueless except as they are recognized by the public to be consistent and to accomplish the purpose behind their enactment.

This legislation may seem unimportant, but similar bills have been vetoed by two of my predecessors in office and it is to be observed that the passage of several such measures would completely nullify the civil service policy which has met with the approval of the people of this state. Hence, this bill must be considered as an insidious attack upon that policy, dangerous in principle and in results, because tending to undermine the law and the confidence of the people in it.

For these reasons I return the bill without my approval.

[The honorable senate and house of representatives, May 23, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to authorize the city of Boston to improve Morton street and to expend a certain sum of money therefor."

This act authorizes the city of Boston to improve Morton street at an expense not exceeding \$300,000, to be incurred outside the city's legal debt limit.

The fact that this bill is to take effect only when accepted by the city council of Boston does not in my mind in any way justify it. It is the general court that has established the limit of indebtedness for cities and the general court should be the last, and not the first to suggest to a city government that this limit may be exceeded for any purpose. In this case the city has neither asked the right to exceed it, nor indicated to the legislature that it deems the proposed improvement a necessary or desirable one.

If the city of Boston is to be allowed to borrow \$300,000 beyond the amount of its debt limit in addition to its

present heavy indebtedness, then it should be allowed to expend that \$300,000 in the manner and for the purposes that the local authorities, with a due regard to all the needs of the city, may determine to be most necessary. This bill does not give the city any option as to how the money shall be expended if it is borrowed. There may be a hundred streets in Boston where the necessity of improvement is more urgent than in the case of Morton street, and yet the city under this act would be powerless to expend the money for such other streets.

The improvement designed to be effected by this bill may be a most commendable one. If such, the city authorities should provide for it with the means which they now have at their disposal.

All the reasons that compelled me to withhold my approval from the act entitled "An Act to authorize the city of Boston to improve Centre street," recently returned to your honorable bodies, compel me to also withhold my approval from this proposed legislation. I beg to refer to the reasons stated at greater length in my message accompanying the return of the said Centre street bill. This bill like that is special legislation. It disregards the general law limiting the indebtedness of cities, affects a matter purely local in its character, which should be left entirely to the consideration of the local authorities, not only allows but encourages the city council to increase the city's burden of debt, and all this without any request from the city council or from the mayor.

[The honorable senate and house of representatives, May 23, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to authorize the city of Boston to widen and improve Hampden street."

This bill allows the city of Boston to borrow \$400,000 outside the debt limit for the improvement of Hampden street in said city, and is open to all the objections suggested in the matter of the act entitled "An Act to authorize the city of Boston to improve Centre street," and also in the matter of an act entitled "An Act to authorize the city of Boston to improve Morton street and to expend a certain sum of money therefor," which acts I have recently felt compelled to return to your honorable bodies without my approval. I beg to refer to

the messages accompanying said acts for a statement more at length of my objections. In brief, they are that this is not only special legislation, but legislation in violation of the general law limiting the indebtedness of cities, that it has been passed without any request from any one authorized to represent the city government of Boston, that it is an invitation to the city council of Boston to expend a large sum of money and to largely increase the burden of debt upon the city for a purpose which up to the present time the city council has not considered of sufficient consequence to bring to the attention of the legislature. In conformity to the wise and conservative law of the Commonwealth limiting the indebtedness of cities, in the interest of a prudent expenditure of the public funds, and to the end that a city now carrying a large burden of indebtedness may not have that burden unnecessarily and improvidently increased, I feel compelled to withhold my approval from this measure.

[The honorable senate and house of representatives, May 23, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to release in part certain building restrictions on the southerly side of Boylston street between Berkeley and Clarendon streets in the city of Boston."

The property affected by this act is a part of the Back Bay lands formerly owned by the Commonwealth. Substantially all of this property, bounding on several miles of streets and avenues, was sold by the Commonwealth under restrictions which prevented building on the property within a certain distance of the line of the street or avenue. The reason for this restriction has been variously assigned by the diverse interests, but it is apparent that, whatever the reason was, as the result of the restriction this entire area has been built up in such a manner as to be one of the most valuable sections of the city. Beauty for the district, and light, air and health for the people, have resulted from the maintenance of this restriction throughout the entire area.

It is proposed by this act to remove this restriction from that portion of the land sold by the Commonwealth which lies on the southerly side of Boylston street between Berkeley and Clarendon streets. Among the petitioners for the

removal is the organization that owns the property at the corner of Boylston and Berkeley streets, an organization whose influence upon young men has been of great and lasting benefit, an organization which has nothing selfish in its plan or purpose, and therefore one that is entitled to every concession that the interests of the public will permit. With the restrictions removed the property of this association and of all the other owners of land affected by the bill will be largely increased in value.

It is apparent that the owners of these properties have all that they ever paid for, and have no claim as a matter of right to the release of the restrictions. If however these restrictions can be released and the public not lose thereby, then they ought to be so released. If on the other hand the public will suffer as the result, then, however worthy the association or the owners of the property may be, the state is not justified in releasing to them rights hereafter to be enjoyed by them only, which are at the present time rightfully enjoyed by the public as a whole.

Three of the owners of property in the area affected by this bill have protested against its passage, and although it is provided that they may have damages, nevertheless, their protest is worthy of most careful consideration, for they bought their homes with the expectation that the restrictions imposed by the Commonwealth would remain for their protection.

I believe however that the effect of this legislation upon the owners of the property directly involved is not so important as the effect upon the public which seems to me likely thereby to lose forever valuable rights which it now enjoys.

No one can pass through Boylston street without realizing that the additional light and air space which comes to that thoroughfare as the result of these restrictions, is of great benefit to all having occasion to use the street. At the place affected by the bill the street is not broad enough at the present time for the satisfactory accommodation of the large and increasing traffic that pours through it. It is the chief highway from the centre of the city to Copley square, and to the large avenues beyond. If the street is ever widened the expense to the public will be much less if this restriction remains than if it is removed. Is it advisable for the legislature to remove the restriction for the benefit of the few land

owners, when, if the restriction remains, it will be of vast benefit to Boston as a city, and to all the travelling public?

Fifty million dollars will not cover the amount Boston has already paid for street widenings rendered necessary by a policy in the past so short-sighted as not to plan for the future growth of the business of the city with its consequent demands. This bill will in my opinion needlessly add to the burden of indebtedness for street widening in the not far distant future. Moreover, if the restriction is removed in this instance, will it not form a precedent that will be far-reaching in its effects upon the whole Back Bay district?

The area opposite the block in question belongs to the Institute of Technology; with a desire to help this worthy educational institution, the state last year by statute released to it its proprietary title and interest in the tract of land occupied by the Institute, but expressly saved the restrictions, previously imposed, similar to those which have established the character of the entire neighborhood. It kept the setback of twenty-two feet from Boylston street and from Newbury street. If we remove the restrictions to accommodate the owners of the south side of Boylston street can we then refuse to remove them on the opposite side when asked by the Institute of Technology in the interests of education, and will any one claim that the removal on both sides of the streets will not be an irreparable injury to the district and to the city?

There are several other blocks subject to a similar restriction which are already used as much for business purposes as the block in question. Is there any reason why the removal of the restriction should be granted in this instance and not in these other cases? Can we grant one and refuse another when the principle is the same, and the conditions of environment but slightly different? Will not such a precedent eventually result in the removal of these restrictions all over the Back Bay district to the final, lasting, and serious disadvantage of the entire area?

For the reasons, therefore, that the petitioners for this legislation have now all the rights for which they have ever given consideration to the state, that the release to them cannot be made without serious injury to the great public, and for the further reason that this legislation would establish a precedent, which, if followed, would in

time change the character of the entire Back Bay district to its lasting detriment, I return the bill without my signature.

[The honorable senate and house of representatives, May 24, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to provide for evening sessions of police, municipal and district courts for the purposes of naturalization."

This bill provides that evening sessions of police, district and municipal courts shall be held for the purposes of naturalization upon fifteen applications being filed therefor.

This legislation apparently applies to all police, district or municipal courts, although at the present time there are eight such courts that do not have such jurisdiction under the statute.

If the bill be construed as applying only to those police, district or municipal courts which at the present time have jurisdiction in the matter of naturalization, it is still open to several serious objections.

I believe that it is better to leave the question of the time of holding such sessions of the court to the discretion of the judge, who is vested with that discretion at the present time. He may, if for any reason he finds the court unable to properly attend to the business in the daytime, hold evening sessions now, and as a matter of fact there have been instances where such evening sessions have been held. To take away his discretion and make it incumbent upon him, whether he find public necessity therefor or not, seems to me unwise and likely to lead to unnecessary expense to the public who must pay the justice, clerk and officers of the court for such evening sessions.

I presume it is urged in support of this measure that it is sometimes a hardship on poor men to leave their employment and attend the court in the daytime in order to become American citizens, but I am forced to the belief that the bill is not so much in the interests of those to be naturalized as in the interests of those who are looking for their votes.

That naturalization frauds occur in times of political excitement cannot be disputed. This bill increases the

opportunities and makes easier the perpetration of such frauds under the cover of night.

Nor can I believe that the holding of evening sessions of a court for the purpose of naturalizing those who have come among us from foreign lands will tend to give to our new citizens a high idea of the importance of the step that they are taking. He who would enjoy the sacred privilege of the ballot in this land of self-government, should be willing, and I believe is willing, to devote the few hours in the daytime that are now required to vest him with that right. The bill undervalues American citizenship.

[The honorable senate and house of representatives, June 1, 1904.]

The Charles River basin commission, having authority under chapter 465, of the acts of the year 1903, to construct a dam, lock and draw, and to do other work in the Charles river, has prepared drawings showing the locations and general plans of such structures and works, and submitted them to the secretary of war for his examination and approval, as required under the river and harbor act of the United States, approved March 3, 1899.

The secretary of war has approved the locations and general plans, subject however to certain express conditions and limitations as set forth in a certificate of Robert Shaw Oliver, acting secretary of war, dated May 18th, 1904, a copy of which I send you herewith. It is the opinion of the Charles River basin commission, an opinion in which the attorney general and myself concur, that the commission have not at present the power to accept certain of the conditions imposed by the war department, but that the obligations imposed by these conditions should be assumed by the Commonwealth by legislative act.

Recognizing that unless early legislative action is taken the work of the commission is likely to be seriously delayed, I direct the matter to your attention for such action as you may find to be expedient in the premises.

[The honorable senate and house of representatives, June 1, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act relative to appointments in the Cambridge fire department."

This act gives to the call men who may pass the examination with the minimum mark of sixty-five per cent the right to preference in appointments to the permanent force of the Cambridge fire department over all other applicants at the pleasure of the appointing power, and practically excludes from the competition any person who does not happen to be so situated as to be able to accept the position of a call fireman.

Under the regulations of the civil service commission men are now given credit for their experience in fire work to such extent as may be justified by that experience. To do more than this, to put them at the top of the list, when, notwithstanding the advantage of their experience, they are not able to pass the examination which entitles them to that position, is to violate the fundamental principle of the civil service law, which is, that men shall be entitled to enter the public service in accordance with their actual merit.

Permit me to call to your attention the message dated May 19th, 1904, accompanying my return to your honorable bodies without my approval of the act entitled "An Act relative to call members of the fire departments in cities and towns." The bill now under consideration is open to every objection stated in that communication, and to one more, namely, that this is special legislation applying to the city of Cambridge only, a rule, which, if advisable in the case of one city, is advisable in the case of all.

[The honorable senate and house of representatives, June 1, 1904.]

On the 19th of May, 1904, the supreme judicial court handed down its decision on a criminal complaint for a violation of the statute in relation to the observance of the Lord's day, brought under the Revised Laws, chapter 98, section 2.

In the discharge of its high prerogative the court by majority opinion interpreted the said section contrary to the contention of the attorney general, representing the government, and in such a manner as to make possible the giving of any kind of an entertainment on Sunday so long as the entertainment be given by a religious or charitable society and the net proceeds, however small, devoted to a charitable or religious purpose. Under this

construction of the law it is believed that it will be possible for any kind of an entertainment permissible on a secular day to be given on the Lord's day, including sports of every nature, and moreover, there is nothing to prevent the entire proceeds of such entertainments, although ostensibly for a religious or charitable purpose, being devoted to paying those who participate in or manage the entertainments.

The court in giving its opinion says:— "Doubtless the legislature did not intend to open a door for the giving of theatrical performances for the diversion of the public on the Lord's day. Probably no one thought it possible that a religious or charitable society would give such an entertainment to obtain money for a charitable or religious use. It was doubtless supposed that the provisions adopted in the exceptions were a sufficient safeguard against the giving of improper entertainments on Sunday. So the statute excepts all entertainments given by a religious or charitable society, the proceeds of which are to be devoted exclusively to a charitable or religious purpose. The exception was not stated in terms sufficiently guarded to accomplish the probable purpose of the legislature. But this does not enable the court to amend the statute by declaring that certain kinds of entertainments may be given and that certain others are prohibited. The remedy, if any is needed, must come from the legislature."

In view of the fact that the supreme judicial court itself recognizes that this interpretation of the statute is one which does not permit of the accomplishment of the probable intent of the legislature, in view of the fact that in the opinion of a multitude of our citizens, embracing those of nearly every sect and creed and those of no creed, and yet people to whom the traditional observance of the Lord's day is a matter of tender and deep concern, and in the opinion of those charged with the enforcement of the laws, it will not be possible hereafter to prevent the giving on the Lord's day of every conceivable kind of entertainment that is permitted on secular days, and in view of the fact that as the result of this interpretation of the statute it will be impossible to prevent the use of the Lord's day throughout this Commonwealth for purposes which the general court has from the beginning refused to sanction by legislative enactment, I deem it my duty to

direct your attention to this matter to the end that you may pass such remedial legislation as the matter may seem to you to demand, and that the Commonwealth may not make this broad departure from its traditional and time honored policy without the responsibility therefor being assumed by the body to which is entrusted the making of the laws that determine the policies of the state.

[The honorable senate and house of representatives, June 1, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act relative to the hours of labor of women and minors employed in the manufacture of textile goods."

The law of the Commonwealth for several years has prevented the employment of a woman or a minor in any capacity for the purpose of manufacture between ten o'clock at night, and six o'clock in the morning. This proposed legislation goes further, but applies only to textile manufactures, and as to them prohibits the employment of minors under eighteen years of age, or of women, during the hours from six to ten o'clock at night, during which hours such employment is now permitted.

I do not think this bill will serve any good purpose. It will not correct any evil. I cannot learn that there is any abuse at the present time of the right that manufacturers have to employ women between the hours of six and ten o'clock at night, or to employ minors under eighteen years of age during the same time.

The bill is special legislation applying to one branch of manufacture only. If it be an evil to employ women and minors between certain hours in one industry where the conditions are not seriously detrimental to health, it is equally an evil in other industries.

Our textile manufactures are not run in the evening, except when some particular exigency demands it. It may be that the breaking down of some machinery has stopped the mill during the daytime, and that it is necessary to run it in the evening in order that contracts for delivery of goods may be fulfilled. If not fulfilled the trade is lost, the manufacturer suffers, and the employees share in the loss. Certain departments of the mills are occasionally run in the evening, not because the mill owners prefer to run them in the evening, but because

they find it absolutely necessary to satisfy some sudden demand. I am informed that it frequently happens that it is necessary to run some one department in the evening when the mill is out of balance, that is, when some department has fallen behind and evening work is necessary in order that that department may supply the material that is necessary for the other departments to run in the daytime. ' If the mill owners are not allowed to thus make special efforts by evening work to balance the departments, then it may be necessary to shut down in the daytime all the rest of the mill but that one department until such time as the various departments again balance.

It stands to reason that the owners are not going to operate their mills in the evening except when they deem it absolutely necessary, because the expense of running in the evening is heavier on account of the increased cost of lighting, and the increased cost of power, as the result of running large engines for the operation of only a small portion of the works, and on account also of the fact that in nearly every instance, they must pay more for evening labor than they do for day labor. Under these circumstances we can safely leave this question to settle itself. The minors and the women will not be employed in the evening except when there is urgent reason for it, and to deny the manufacturers the right to so employ them when there is such urgent reason, is to cripple them in the competition in which they are engaged with the mills of other states.

Nor is this bill in the interest of minors or of women. It is to be noted that the state protects the minor in his education, and protects minors and women in the total number of hours weekly that they may be employed, and that these questions do not present themselves under this bill. There are certain classes of work in the mills that can be done by women only. This is a well recognized fact. Women have the same rights to enter the industrial field as have the men. The door of opportunity should not be closed to them simply because they are women and disfranchised. Often they are so situated that they have to carry an equal burden with the men in caring not only for themselves, but for others dependent upon them. I find that wherever a mill is obliged to run in the evening that those who seek the opportunity for this employment are much greater in numbers than the

demand, showing that those who are thus employed do not consider it a hardship, but are anxious for the opportunity. This bill is manifestly not in the interests of the women of the Commonwealth, who, by force of circumstances, are obliged to enter the mills in order that they may make a living.

Nor is the bill in the interests of labor in general. I would not blot from the statute books a single wise or humane labor regulation. Everything that tends to the real welfare of the laborer should remain there even though it may inconvenience or cause actual loss to capitalists, but, on the other hand, those who have the responsibility upon them of fostering and guarding the industries of this Commonwealth cannot for a moment afford to lose sight of the fact that any bill that unnecessarily imposes restrictions upon manufacturers such as are not imposed by the laws of other states, tends to make the successful operation of industries in this Commonwealth more difficult. There must be a direct and real advantage to labor resulting from legislation before any legislation can be justified that imposes new restrictions upon the manufacturer. The result of this legislation will be to make it more difficult than ever for our manufacturers to compete with those of other states. Trade may be easily diverted from those who are unable to complete contracts and to fill orders as the result of such legislation as this. If, therefore, this act should result in driving trade away from us, there can be no question but what labor would suffer even more than capital. The textile industry is the mainstay of the people of this Commonwealth. There are 149,346 wage earners employed in it, each one on the average representing five persons. Thirty per cent of our population is directly dependent upon the prosperity of this industry. We cannot afford to trifle with it, or to handicap it with legislation which may seem to us of no consequence, but, which, in the close competition of the age, may be of much importance.

I call to your attention the further facts that there is no textile manufacturing state with which manufacturers compete that begins to approach us in our present restrictive legislation; that our hours of labor are shorter, our laws regulating the employment of women and minors more restrictive, our legislative requirements for the pro-

tection of employees from accident more stringent, our requirements for the protection of the health of employees more complete and the enforcement of the laws more strict and impartial than in any other state engaged in textile manufacture. And to this let me add the significant fact that the number of spindles in the four southern states in the two years 1901 and 1902 increased eighteen per cent, while the increase in the four most prominent New England states was but two per cent. The textile industry at the present time is in no condition to stand further burdens. This very law now proposed is one that was considered by the special commission headed by Carroll D. Wright, whose report has been before you, and this commission having a representative of labor on it, did not think it wise to recommend it under present conditions.

I cannot believe therefore that this bill is in the interest of minors, or of women, or of labor, or of capital, or of the Commonwealth.

[The honorable senate and house of representatives, June 6, 1904.].

I return herewith with my objections thereto in writing an act entitled "An Act relative to the penalty for murder in the second degree."

Three degrees of homicide have long been recognized in this Commonwealth. They are murder in the first degree, murder in the second degree, and manslaughter. Murder in the first degree is the taking of human life with deliberately premeditated malice aforethought, or with extreme atrocity, or cruelty, and the punishment for such a crime is death. Murder in the second degree involves a deliberate, intentional and unjustifiable taking of life, and for such the penalty is life imprisonment. It is but a shade removed from murder in the first degree. Manslaughter includes every unlawful homicide ranging from that of a negligent action without the remotest evil intent to that taking of life which approaches the very line of murder in the second degree.

This bill makes possible the infliction of a less penalty than life imprisonment for the crime of murder in the second degree.

No injustice or unnecessary hardship results from the present law. In those cases where there may be doubt

whether the facts found conclusively establish the crime of murder in the second degree the jury may return a verdict for manslaughter, and in the sentence the discretion of the court may be invoked.

Moreover, the pardoning power vested in the governor and council may be exercised whenever the extenuating circumstances are sufficient to warrant it. The fact that this power has been rarely exercised indicates how few have been the cases where a lesser penalty could have been safely inflicted, and how serious have been the offences for which men are now confined for life in our prisons.

The first purpose of the law is the protection of society. It tends to secure such protection by confining the lawbreaker and the vicious where they cannot do harm: first, because society is thus relieved of the menace that they are to it when they are at liberty, and second, because their punishment serves as a warning to others and tends to deter them from similar infractions of the law.

To be effective as such a deterrent to others the penalties must fit the crimes for which they are imposed. The penalty of life imprisonment for murder in the second degree is not only justified but required for the protection of human life, unless all the precedents of the common law and of our previous statutory enactments have been founded in error.

Murder being the most terrible of crimes should be punished by the most terrible of penalties. This bill makes the penalty for the crime of murder in the second degree less than that for lighter crimes. For instance, the man who robs another under the circumstances stated in section seventeen of chapter two hundred and seven of the Revised Laws, must be punished by imprisonment for life. But under this law if he went further and killed his victim he might be punished merely for a term of years.

Believing, therefore, that this bill is dangerous to society, that it tends to diminish the deterrent effect of the law upon those criminally inclined, and that it will tend to make life less secure in this Commonwealth, I return it without my approval.

[The honorable senate and house of representatives, June 9, 1904.]

I return herewith with my objections thereto in writing an act entitled "An Act to provide for the payment of bounties to certain veterans of the civil war."

This bill proposes to pay a bounty from the treasury of the Commonwealth of one hundred and twenty-five dollars to every veteran of the civil war now living, not being a conscript or substitute, who served in the army or navy of the United States to the credit of Massachusetts during the civil war and who was honorably discharged from such service, provided that he has not received a bounty from any city or town, or from the Commonwealth for such service. To carry out the provisions of this bill it is provided that there may be issued bonds not exceeding three hundred and fifty thousand dollars in amount.

This legislation is not proposed on the ground that Massachusetts has failed to deal generously with the men who fought under her banner in the civil war. She has paid in bounties seventeen million eight hundred and seventy-one thousand dollars, and to the soldiers and those dependent upon them she has paid for state aid, military aid and similar purposes, to January first of the present year, the sum of twenty-nine million one hundred and eighty-three thousand seven hundred and ninety-three dollars and ninety-seven cents. A careful investigation by a disinterested authority has shown that Massachusetts has paid out more for her soldiers since the beginning of the civil war than all the rest of the states of the Union combined. This does not relieve her from the full discharge of her duty, but it is indicative that she has not been unmindful of it.

Notwithstanding the many statutes that have been passed in this state in recognition of soldiers' claims, there is absolutely no precedent for such as this. There have been acts providing for the payment of bounties in recent years, and one, affecting an individual case, in the present year, but they have in each case authorized the payment of a bounty which was promised at the time of enlistment, and which for one reason or another had not been paid. This bill is not based upon any promise whatsoever. It is not alleged that there are any unfulfilled contracts to be kept, whether legal or moral. The only reason that can be advanced in its favor is that the state should have treated all its soldiers

alike, and therefore if one was paid a bounty, all should be paid a bounty. This legislation, therefore, inaugurates a new policy based on a reason never recognized as sound by your predecessors in the general court during the nearly forty years that have elapsed since the war. Being a new policy, before the state is irretrievably committed to it, there should be considered not alone the immediate result, the issuing of bonds for three hundred and fifty thousand dollars, but the ultimate consequence of the further legislation that must follow if the state is to be consistent.

First. The records of cities and of towns as to the bounties paid by them are incomplete and entirely unreliable. It is impossible, therefore, for accurate information as to the number of men affected by this bill to be obtained. But the facts that are known indicate that the number will be much larger than can be paid a bounty out of the money provided for by this act. Therefore subsequent legislatures will be called upon to pass further acts, in the aggregate probably calling for several hundred thousand dollars.

Second. This bill is limited to the payment to those who are now living. But why this limitation? If there was or is any obligation on the part of the state to pay all its soldiers a bounty because some have been paid a bounty, then why should not the bounty be paid not only to the living but also to the representatives of those who have died? Those certainly did no less for their country, and it is to be presumed that in many instances their death was the occasion of hardship and want to those dependent upon them. Why should this bill in its alleged desire to equalize matters overlook the equal claims of widows and children? To be consistent, therefore, this legislation must be followed by a bill to pay an equal amount to the representatives of those who have died.

Third. A man who has received any bounty whatsoever is not entitled to receive the one hundred and twenty-five dollars under this bill. And yet there were some who received a bounty of less than thirty dollars. Why should not these men be entitled to receive the difference between the thirty dollars and the one hundred and twenty-five dollars? The consistent answer to this question will lead to still further legislation.

Fourth. It being established as a policy that because under certain exigencies, at certain periods of the war,

bounties were paid, that therefore they should be paid to those who enlisted at other periods, it follows with equal force that the state must not only pay bounties to all, but equal bounties to all. Cities and towns promised bounties ranging as high as five hundred dollars per man. The state itself paid bounties in different amounts at different periods, and a large number were paid under chapter two hundred and fifty-four, of the Acts of the year eighteen hundred and sixty three, which provided for a bounty of three hundred and twenty-five dollars. Every consideration that can possibly bind us to the payment of one hundred and twenty-five dollars per man, as provided for in this bill, with equal force necessitates our payment of three hundred and twenty-five dollars per man, the amount actually paid by the state during a considerable portion of the war. Massachusetts sent one hundred and sixty thousand men into the army and navy. It would take at three hundred and twenty-five dollars per man, fifty-two million dollars to pay them bounties. While we have no complete record as to who have received bounties and who have not, we do know that the total bounties paid by the state are a little less than eighteen million dollars, and, therefore, we must provide the difference between eighteen million dollars and fifty-two million dollars, or, thirty-four million dollars, to carry out the policy involved in this legislation to its logical conclusion.

Fifth. If we are to establish the principle that a bounty should be paid to every man who has borne arms in defence of the state irrespective of his term of service and of the exigencies of the nation, then it seems to me we must logically not only provide the amount necessary for the veterans of the civil war, but also for the veterans of the Spanish war, which will involve several millions more. These are the logical results of the policy that would be established by this legislation.

Apart from the financial questions involved, the bill seems to me to be absolutely wrong in principle. It is based neither on an express nor an implied, neither on a legal nor a moral promise of the state, nor on the needs of those who are to receive benefits under it. I cannot affix my signature to legislation that would thus involve the state, nor do I believe that the noble men in whose interests it is urged desire it. Far wiser, far better, is the

policy constantly being pursued in this Commonwealth, — one that does not give gratuities, one that does not undervalue patriotism by talking of compensation for the risk of death and the sacrifice of blood, — a policy that recognizes that for the volunteer soldier's service there is no equivalent in silver or gold, but that the sacredness of his service is best recognized by a grateful people by ministering to him according to his needs, not in charity, but in love. Such is the long established policy of the state. Under it there is expended nearly one million dollars each year from the state treasury to guard the soldier in ill-health and in old age and to relieve him from want. If this sum be not large enough, increase it to whatever extent may be necessary to supply all reasonable comforts.

NOTE.

The bill to provide for the payment of bounties to certain veterans of the Civil War was passed and laid before the governor for his approbation and was returned by him to the general court with his objections thereto. Upon a reconsideration of the bill, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, it was declared passed and endorsement to that effect made by the presiding officers and clerks of the two branches. The bill was then deposited in the office of the secretary of the Commonwealth and numbered Chapter 458, Acts of 1904.

The treasurer and receiver general, before proceeding to issue bonds as provided for in the act, asked for a written opinion of the attorney-general as to the "constitutionality and legality," of the act, giving as a reason for so doing that there was in his mind and in the minds "of many qualified to judge" a doubt as to the legal enactment of the bill, as two thirds of the entire membership of the body in which it originated did not vote in favor of passing it over the executive veto. The attorney-general in his reply gave it as his opinion that the act in question "is without validity, and is in law as if it had never appeared upon our statute book."

The present status of the bill is shown by the following order, passed by the governor and council July 20, 1904: —

Ordered, That the opinion of the Justices of the Supreme Judicial Court be requested upon the following important questions of law: —

1. Whether the act of the Legislature of Massachusetts, entitled "An Act to provide for the payment of bounties to certain veterans of the Civil War," being chapter 458 of the Acts of the year 1904, has the force of a law, it appearing by the journal of the House of Representatives, which is the branch of the Legislature in which said act originated, that less than two thirds of the members of said House of Representatives agreed to pass the same notwithstanding the objections of the Governor thereto duly communicated to said house in writing, and it appearing further by said journal that two thirds of the members of said house who were present and voting did agree to pass the act over the executive veto.

2. Whether the phrase in Part the Second, Chapter I., Section I., Article II., of the Constitution of Massachusetts, "two thirds of said Senate or House of Representatives" means two thirds of the members elected, two thirds of the members living, two thirds of the members present and voting, or two thirds of a quorum, though more than a quorum are present and voting.

3. Whether, if in the opinion of the Justices said bill was duly enacted, it is a constitutional exercise of legislative power.*

* See pages 473 and 599.

CHANGE OF NAMES.



CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, Chapter 154, Section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties:—

BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
Feb. 3,	Helen Marie Hill,*	Ruth Mildred Davis,	Cheshire.
March 3,	Philip Parron,	Philip Perron,	North Adams.
3,	Joseph H. Parron,	Joseph H. Perron,	North Adams.
3,	Sarah Cohen,*	Sarah Monheim,	Pittsfield.
April 9,	John Augustine Benolt,*	John Augustine Forbes,	Adams.
13,	Wellington Bullard Smith,	Wellington Smith, Jr.,	Lee.
May 5,	Eva C. See,*	Doris Eva Peaslee,	Platstow, N. H.
6,	Frederick Clifford Simmons,*	Frederick Clifford Oles,	Alford.
14,	Catherine Pearl Cardinal,*	Catherine Pearl Blake,	Williamstown.
July 22,	Henry Arthur Brunelle,*	Arthur Brunelle Bissallion,	North Adams.
23,	Helen Brunelle Bernedette,*	Helen Brunelle Bissallion,	North Adams.
Oct. 6,	Julia M. Mouglin,	Julia M. Austin,	Great Barrington.
6,	Frances D. Surriner,*	Frances Gladys Smith,	Becket.
7,	Ora Makely,*	Ora Comstock,	Great Barrington.
8,	Herman W. Kleiner,	Herman H. Pause,	Adams.

BRISTOL COUNTY.

Jan. 2,	Mary Laura Plouf,*	Laura Plouf Haworth,	Fall River.
9,	Pearl R. D. Browning,*	Pearl Florence Briggs,	Attleborough.
19,	Mabel F. Baylies,*	Florence May Allen,	Taunton.
Feb. 13,	Rosanna D. Browning,*	Margaret E. Young,	Attleborough.
20,	Marie Georgiana Bouchard,*	Marie Georgiana Baril,	Fall River.
20,	Christina de Souza,*	Christina Lima,	New Bedford.
March 13,	Valma Walsh,*	Mary Josephine Walsh,	Taunton.
20,	Helen L. Davies,*	Helen Davies Mills,	New Bedford.
April 3,	Cunningham McCarty,*	Cunningham McCarty Mulcahy,	Fall River.
3,	Michael Francis McCarty,*	Michael Francis Mulcahy,	Fall River.
3,	Mary A. Church,	Mary A. Grinnell,	Fall River.
3,	Joseph X. Soares,*	Joseph X. Paulino,	Fairhaven.
May 1,	Ethel B. Andrews,*	Ethel B. A. Mills,	New Bedford.
1,	Louise Whitney,*	Louise Whitney Reynolds,	Dartmouth.
1,	Olive Bourque,*	Olive Arseneault,	New Bedford.
15,	Eliza Jane Braley,*	Eliza Jane Haskins,	Freetown.
June 5,	Joseph Albert Dominique,*	Joseph Albert Frenette,	Fall River.
Aug. 7,	Marjory Adele Cook,*	Marjory Adele Brownell,	New Bedford.
7,	Margaret Fitzgerald,*	Leonora Mahoney,	Fall River.
7,	Maria F. Cullen,*	Mary M. Taggart,	Fall River.
Sept. 10,	Joseph Fulton,	Joseph Anthony Fulton,	Mansfield.
10,	Charles Julius Marschewski,	Charles Julius Marsch,	Dighton.

* Changed by reason of adoption.

CHANGE OF NAMES.

BRISTOL COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Oct. 6,	Louis Hymen Padolsky, . . .	Louis Hymen Padoll, . . .	Fall River.
9,	Henry E. Furbish,* . . .	Donald Henry Cumming George,	Attleborough.
Nov. 6,	William A. Spooner,* . . .	William Andrew Westgate,	New Bedford.
13,	Etta L. White,* . . .	Doris C. Dyer, . . .	Attleborough.
Dec. 4,	John J. Mansfield,* . . .	John M. Davenport, . . .	Fall River.
18,	Grace Robinson,* . . .	Grace Robinson Pimer, . . .	Attleborough.

COUNTY OF DUKES COUNTY.

March 28,	Avis Miller West, . . .	Avis Miller Taylor, . . .	Cottage City.
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ESSEX COUNTY.

Jan. 5,	Frances A. Walsh,* . . .	Frances Amelia Deshon, . . .	Lynn.
5,	Mary McCarty,* . . .	Mary Mabel Parquette, . . .	Lynn.
5,	Nehemiah O. Leach, . . .	Osborne Leach, . . .	Salem.
12,	Grace M. White,* . . .	Grace May Keene, . . .	Lynn.
26,	Blanche Simmers,* . . .	Blanche St. Pierre, . . .	Lawrence.
26,	Mary McNeill,* . . .	Dorothy Parsons, . . .	Melrose.
Feb. 2,	Joseph Connelly,* . . .	Joseph Levi Pendergast, . . .	Boston.
2,	Annie Foster,* . . .	Mildred Fern McKenzie, . . .	Everett.
2,	Ellen E. Daniels,* . . .	Dorothy Racine, . . .	Haverhill.
2,	May Duntley,* . . .	May Cloutman, . . .	Haverhill.
2,	Andrew S. Gendron,* . . .	Charles Andrews McPhetres, . . .	Boston.
16,	Estelle Laliberte,* . . .	Estelle Roy, . . .	Lawrence.
16,	Leland L. Parrizo,* . . .	Leland Louis Brigham, . . .	Lawrence.
16,	Jeannette F. Dickey,* . . .	Jeannette Frances Alexander, . . .	Wenham.
16,	Mary Silva,* . . .	Mary Silva Brooks, . . .	Gloucester.
16,	Daniel S. Silva,* . . .	Daniel Silva Brooks, . . .	Gloucester.
16,	Walter S. Folsom,* . . .	Walter Sherman Collum, . . .	Rowley.
16,	Gladys V. Foss,* . . .	Gladys Vivian Cogswell, . . .	Essex.
March 2,	Blanch G. Cady,* . . .	Blanch Gertrude Messervy, . . .	Hamilton.
16,	Serena Bartlett,* . . .	Ruth Greenough Hamilton, . . .	Boston.
16,	Grace Bradbury,* . . .	Grace Eliza Phinney, . . .	Boston.
16,	Mary T. Healy,* . . .	Mary Theresa Brown, . . .	Lynn.
23,	Ida Silva,* . . .	Ida Silva Brooks, . . .	Gloucester.
April 6,	Eva DeLong,* . . .	Eva Etta Tobie, . . .	Westfield.
6,	Annie Norton,* . . .	Anna Mary Bradley, . . .	Fall River.
6,	Mary Curtis,* . . .	Mary Gertrude Jacobson, . . .	Gloucester.
6,	Maude L. Morgan,* . . .	Maude Louise Collyer, . . .	Lynn.
6,	Rosella M. Britton,* . . .	Rosella May Hobbs, . . .	Haverhill.
May 4,	Ovilia Groleau,* . . .	Ovilia Jobin, . . .	Lawrence.
15,	Florence L. Richards,* . . .	Florence Lillian Coles, . . .	Nahant.
18,	Grace Brooks,* . . .	Grace Brooks Hartman, . . .	Cambridge.
18,	Russell Morine,* . . .	Lawson Smith Powers, . . .	Boston.
18,	Sarah J. Caldwell, . . .	Sarah Jane Harris, . . .	Swampscott.
28,	Walter Ryder,* . . .	Kilam Daniel, . . .	Woburn.
June 1,	Alberta H. Melcher,* . . .	Alberta Harriet Flint, . . .	Middleton.
1,	Helen F. Tuttle,* . . .	Helen Frances Swanton, . . .	Andover.
1,	Carl Ferguson,* . . .	Everett Ernest Condon, . . .	Brookline.
15,	Bridget Fishert,* . . .	Agnes Lynes, . . .	Boston.
15,	Ethel L. Vennard,* . . .	Ethel Leslie Clifford, . . .	Lynn.
15,	Viola Bryant,* . . .	Elsie Livermore Brockway, . . .	Hyde Park.
15,	Clara A. H. Davis, . . .	Clara Hussey Kirkham, . . .	Rockport.
15,	Paul K. Davis, . . .	Paul Davis Kirkham, . . .	Rockport.
15,	Stanton K. Davis, . . .	Stanton Davis Kirkham, . . .	Rockport.
22,	Joseph H. Dow,* . . .	Howard Dow Landers, . . .	Manchester.
July 20,	George H. Staples,* . . .	Charles Knight Gibson, . . .	Salem.
20,	Ethel Conner,* . . .	Letitia Jane Carr, . . .	Haverhill.
20,	Mary A. McDonald,* . . .	Mary Agnes Fitzpatrick, . . .	Lawrence.
20,	Maggie M. McLaughlin,* . . .	Grace May Robertson, . . .	Haverhill.

* Changed by reason of adoption.

CHANGE OF NAMES.

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ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
July 27,	Elwood L. Yergey, . . .	Walter Elwood Ingersoll, . .	Salem.
Sept. 8,	Mary H. Elliott,* . . .	Eva May James, . . .	Beverly.
8,	Mary Lichter,* . . .	Mary Chamberlain, . . .	Boston.
21,	Sarah A. Upton, . . .	Sarah Upton Grady, . . .	Lynn.
21,	Edith V. Warner,* . . .	Edith Viola Trainor, . . .	Gloucester.
21,	Ernest G. Woodworth,* . .	Ernest George Irving, . . .	Lawrence.
21,	George A. Friend, Junior,* .	George Adelbert Shaw, . . .	Lynn.
Oct. 21,	Frederick A. Tittle, . . .	Frederick Augustus Wales, .	Beverly.
12,	Haynes,* . . .	Ruth Constance Kitchin, . .	Lynn.
12,	Casimira Zdzieborska,* . .	Frances Puchalska, . . .	Salem.
15,	Edna M. Maloney,* . . .	Edna Maude Ward, . . .	Lynn.
26,	John B. Chapman, . . .	John Aiden Chapman, . . .	Salem.
29,	Frank Faino,* . . .	Frank Marino, . . .	Milford.
Nov. 12,	Arthur T. Devlin,* . . .	Arthur Timothy Devlin Lee, .	Lynn.
Dec. 7,	Edward Sutherland,* . . .	Edward Everett Wood, . . .	Boston.
7,	Dorothy Hogg,* . . .	Dorothy Rowley, . . .	Somerville.
7,	Minnie W. Smith, . . .	Minnie Williams Tyler, . .	Salem.
7,	John H. Dillon, . . .	John Henry Newhall, . . .	Lynn.
10,	Ethel M. Doty,* . . .	Ethel May Bentley, . . .	Swampscott.
10,	Onesime Harnois, . . .	Ernest Harnois, . . .	Lynn.
15,	Beatrice P. Bloise,* . . .	Beatrice Pearl Fellows, . .	Lynn.
21,	Sarah Ann Butterworth,* .	Sarah Ann Allen, . . .	North Andover.
21,	Clarence Robert Mason,* .	Clarence Robert Lindsey, .	Marblehead.
21,	Adelaide G. Sweet,* . . .	Marion Lane Caswell, . . .	Lynn.
21,	Louisa Simms, . . .	Louisa Tracey, . . .	Lynn.

FRANKLIN COUNTY.

May 19,	— Batchelder,* . . .	Marjorie Eloise Shattuck, . .	Shelburne.
June 16,	Ella Adelaide Kelleher,* . .	Ella Adelaide Curtis, . . .	Montague.
16,	Anna McIntire,* . . .	Anna McIntire Hosmer, . . .	Charlemont.
July 7,	Martha Reinel,* . . .	Martha Nevins, . . .	Montague.
7,	Royal Kenneth Reinel,* . .	Royal Keith Nevins, . . .	Montague.
7,	Ernest Clayton Wilson,* .	Ernest Clayton King, . . .	Barnardston.
Sept. 16,	May Clark,* . . .	May Irene Gaudette, . . .	Greenfield.
Nov. 17,	Florence G. Streeter,* . .	Marion Emma Green, . . .	Greenfield.
Dec. 5,	Sarah Flynn,* . . .	Sarah Pike, . . .	Northfield.

HAMPDEN COUNTY.

Jan. 7,	Joseph Reid Gilbertson,* . .	Joseph Reid, . . .	Holyoke.
21,	Annie Williamson,* . . .	Annie Brown, . . .	Holyoke.
March 4,	John O'Brien,* . . .	John Noble, . . .	Holyoke.
April 1,	Ruth Marshall Redden,* . .	Barbara Raymond Chase, . .	Springfield.
May 6,	Florence Harmony Whitcomb,*	Florence Harmony Filmore, .	Springfield.
June 3,	Grace Bennett Rieder,* . .	Grace Bennett Wade, . . .	Baltimore, Md.
3,	Raymond Mason,* . . .	Raymond Nellaen, . . .	West Springfield.
July 1,	Olive Wightman,* . . .	Olive Wightman Chaffee, . .	Springfield.
Sept. 2,	Fannie Green,* . . .	Gladys Frances Paige, . . .	Springfield.
2,	Percy Cameron Bruce,* . .	Percy Goodwin Hall, . . .	Chicopee.
2,	Jeremiah Duggan, <i>alias</i> Harry Duggan,* . . .	Harry Duggan, . . .	Springfield.
2,	Margaret Simmons,* . . .	Margaret Simmons Ely, . . .	Southwick.
2,	Eliza Ann Trask Benham, . .	Eliza Ann Trask, . . .	Springfield.
Nov. 4,	Gertrude Howard Tourtellotte,*	Gertrude Howard Sackett, . .	Westfield.
4,	Charles Columbus Ebert, . .	Charles Columbus Elbert, . .	Springfield.
18,	Hope Adams,* . . .	Hope Myra McQuaid, . . .	West Springfield.
18,	Katherine Helen Buhl,* . .	Katherine Helen McCormick, .	Springfield.
Dec. 2,	Elmore John Barden,* . . .	John Elmore Moore, . . .	Springfield.
16,	Frances May McIntyre,* . .	Frances May Rose, . . .	Springfield.
23,	May Conway,* . . .	May Conway Pierrepont, . .	Springfield.

* Changed by reason of adoption.

HAMPSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
Jan. 6,	Henry Nye,*	Henry Mason,	Cummington.
Feb. 3,	Winifred Barrows,*	Queenie Charlotte Brayman,	Northampton.
3,	Ellen McManus,*	Lina Kathleen Belden,	Hatfield.
3,	Edmund Sarasin,*	Edmund Sarasin St. Lawrence,	Northampton.
April 7,	Netta Florence Tole,*	Netta Florence Hillman,	Northampton.
May 19,	Louis Charbonneau,	Louis Geoffrion,	Ware.
June 2,	Annie Ryan,*	Annie Clark,	Easthampton.
July 7,	Charles Emerson Barker,*	Charles Emerson Stone,	Northampton.
Aug. 4,	Laura Casten,*	Laura Jubenville,	Hatfield.
Sept. 1,	Geraldine May Murphy,*	Geraldine May Rau,	Northampton.
1,	Madeline Barber,*	Christine Isabel Ferry,	Granby.
Nov. 4,	Lillian Sarah Mayhew,*	Sarah Lillian Clapp,	Huntington.
4,	Ruth Stone,	Ruth Reed,	Cummington.
10,	Hattie May Clark,*	Hattie May Rich,	Amherst.

MIDDLESEX COUNTY.

Jan. 2,	William S. Brennan, Jr.,*	William S. Connors,	Ashland.
5,	Helen Flynn Rich,	Helen Hayes Flynn,	Somerville.
20,	Harold Wilson,	Harold William Sherman,	Lowell.
Feb. 27,	Elizabeth E. Clifford,*	Gladys Dorrin Coates,	Woburn.
9,	Eric Marozia Meader,	Eric Jeannette Meader,	Ashland.
10,	Arthur Bruce Pearson,*	Arthur Bruce Keenan,	Malden.
10,	Caroline Leuchte,*	Caroline Macintosh,	Somerville.
10,	Carlene Shomo,*	Carlene Alberta Huntley,	Somerville.
12,	Basil Paulin,	Basil George Paulin,	Somerville.
20,	John Sadeberg,	John Seaberg,	Cambridge.
24,	Olga Lundin Carlson,*	Olve Eleonora Dehlen,	Worcester.
25,	George J. Bellew,*	George J. Woolley,	Cambridge.
March 8,	Jane Heaton,*	Lucy Estelle Mallory,	Roston.
8,	Catherine Winifred Carroll,*	Catherine Winifred McKillops,	Watertown.
10,	George Robbins,*	Robert Charles Wilson,	Worcester.
10,	Blanche C. Strand,*	Robert Blanche Davis,	Milford.
20,	Frederick Freeman Perry,	Frederick Freeman Williams,	Newton.
20,	Ella Harding Kehoe,	Ella Harding Bosworth,	Medford.
24,	Neal Ball,*	Neal Wainwright,	Concord.
25,	Vinia E. Irvine,*	Vinia E. Piper,	Somerville.
27,	Willie B. Collagan,	William B. Collagan,	Newton.
April 7,	Henry E. Loxton,*	Henry Heathcote,	Needham.
14,	William Charles Howorth West,*	William Joseph Allen,	Everett.
May 7,	Sterling Kenneth Apted,*	Sterling Kenneth Palmer,	Medford.
11,	Harold Joseph O'Doherty,	Harold Russell Fair,	Somerville.
11,	Georgie Murdock, <i>alias</i>	Georgie Lawo,	Medford.
18,	Elsie Haynes,*	Elsie Willard,	Weston.
19,	Frederick James Meaney,*	Jerome Frederick James Cinq Mars,	
June 9,	Nettle Johnson,*	Nettle Harvey,	Lowell.
9,	Elsie Johnson,*	Elsie Harvey,	Dracut.
15,	Catherine Horan,*	Catherine Barnes,	Dracut.
16,	Harris Mirovich,	Aaron Joseph Harris,	Boston.
22,	Blanche Reynolds,*	Agnes Collins,	Lowell.
24,	Lillian A. Bliss,*	Lillian Bliss Carter,	Lowell.
25,	Charles Callahan,	Charles Evans,	Everett.
30,	Charles Olaf Peterson,	Charles O'Peters,	Somerville.
July 2,	William Cohen,	William Leslie,	Somerville.
6,	Harold Earl Cook,*	Harold Earl Shippee,	Holliston.
7,	Vivian Hardy,*	Vivian Edward Nash,	Newton.
7,	Louis Wilson,*	John Adams,	Cambridge.
14,	Wilhelmina Whitehouse,*	Helena Emma Austin,	Waltham.
20,	Frank James Robinson, <i>alias</i>	Frank Hubbell Robinson,	Everett.
21,	Peter Hubbell Robinson,	Joseph Newton Sleeper,	Lowell.
21,	Joseph N. Connors,*		

* Changed by reason of adoption.

CHANGE OF NAMES.

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MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
July 23,	Harry Wood,*	Harry Wood Doe,	Cambridge.
23,	Jesse Lant Dennett,	John Lant Dennett,	Somerville.
Aug. 18,	Irene Kent,	Irene Kent Greene,	Arlington.
Sept. 1,	Vivian Gertrude Johnson,*	Vivian Gertrude Howe,	Cambridge.
1,	Frances Quinlan,*	Frances Swan McIntyre,	Boston.
22,	Marguerite Gordon Green,*	Marguerite Balch,	Lowell.
28,	Edward Paul Dooley,	Edward Paul Souther,	Somerville.
Oct. 6,	Dorothy Evaline Hittinger,*	Dorothy Evaline Mills,	Boston.
14,	Hazel Marie Lynch,*	Hazel Marie Curnane,	Malden.
14,	Mildred Catherine Lynch,*	Mildred Catherine Curnane,	Malden.
16,	Stewart Allan Francis,*	Burton Morrill Dearborn,	Somerville.
21,	Eleanore M. Millinaky,	Eleanore Muriel Parks,	Malden.
31,	Raymond Henshaw,	Raymond Henshaw Greenman,	Watertown.
Nov. 4,	Palmer Austin Marsh,	George Palmer Marsh,	Melrose.
12,	Louise M. Carr,*	Louise M. Brackenbush,	Everett.
12,	Winifred Christable George,*	Violet Christable Rich,	Ashby.
18,	Marie Beaulieu,*	Marie Alice Dubuc,	Lowell.
24,	Louis Surette Doucette,*	Louis Surette,	Reading.
24,	Harley J. Hatfield,*	Edwin Roy McPhee,	Boston.
24,	Edward Irving Field,*	Eric Louis Gullbrand,	Randolph.
25,	Earle W. Hadley,	Earle W. Fowler,	Lowell.
Dec. 2,	Marjorie Burneice Page,*	Nilda Burpee Hulsman,	Malden.
15,	Frederick Chase,*	Frederick Elton Talbot,	Middleborough.
21,	William R. Miner,*	William R. Schoolcraft,	Cambridge.
22,	Betsey C. Benson,*	Betsey Caroline Nelson,	Somerville.
22,	Guy Dewitt Nelson,*	Guy Nelson Whitworth,	Lowell.
22,	Lillian E. Blair,*	Lillian Evadell Edwards,	Winchendon.
22,	Gertrude Margaret Gilbert,*	Gertrude Hannah Cripps,	Somerville.
22,	Ella Cecelia Snow,*	Margaret Gertrude McCarty,	Milton.
22,	Ruth Cleveland Jones,*	Mabel Edna White,	Stoughton.

NORFOLK COUNTY.

Jan. 7,	Alfred Johnson,*	Alfred Pera,	Hyde Park.
14,	Helen Beatrice Sanborn,*	Helen Beatrice Tisdale,	Albany, N. Y.
March 11,	Alice May Garey,*	Dorothy Ilene Tibbals,	Weymouth.
April 22,	William Charles Frigge,*	William Charles Varney,	Brooklyn, N. Y.
May 6,	Alice Maud Smith,*	Lillian Frances Barbara Hunt,	Abington.
20,	John Hayes,*	John Hicks,	Hyde Park.
25,	John Hamilton Smith,	John Smith Hamilton,	Norwood.
July 1,	Catherine Lavery Dineen,*	Catherine Irene Powers,	Boston.
1,	Ellen Elizabeth Sheehan,*	Ellen Elizabeth Neagle,	Needham.
15,	Howard Davis Cushing,*	Howard Davis Vinton,	Hollbrook.
15,	Margaret Ellen Coulton,*	Margaret Ellen Ham,	Needham.
22,	Helen Kathleen Sellar,*	Helen Kathleen Schleeauf,	Everett.
Sept. 2,	Margaret Barrie Pitkethly,*	Margaret Barrie Leuchars,	Brookline.
23,	Leona Kelly,*	Helena Leona Warner,	Boston.
23,	Irene Minor,*	Irene Minor Paul,	Bellingham.
Oct. 7,	Theresa Smith,*	Florence Vivian Hill,	Boston.
Nov. 4,	Alberta G. Gove,*	Alberta Gove Wales,	Boston.
7,		Marguritt Hazel Peoples,	Walpole.
18,	Florence Reid,*	Florence Edith Waite,	Boston.
25,	Martin Bateman,*	Lester Grant,	Boston.
25,	Perry Irving Kenison,*	Theodore Irving Perry,	Hyde Park.
Dec. 16,	Ruth Stoddard, sometimes known as Ruth Allen,*	Ruth Ransom,	Hyde Park.

PLYMOUTH COUNTY.

April 13,	Dorothy E. Martin,*	Dorothy E. Copeland,	Scituate.
27,	Lottie M. Hall,*	Lottie M. Wentworth,	Brockton.
27,	Walter F. Hall,*	Walter F. Wentworth,	Brockton.

* Changed by reason of adoption.

PLYMOUTH COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
April 27,	Benjamin A. Braley,*	Benjamin A. Johnson,	Wareham.
27,	Ellen L. S. Vincent,	Ellen L. Sanford,	Bridgewater.
May 11,	Julia Hevery,*	Julia Benson,	Plymouth.
July 13,	Helen M. Tobey,	Helen M. Bumpas,	Brockton.
Aug. 24,	Arleen E. Messer,*	Arleen E. Duart,	Middleborough.
Sept. 14,	Helen M. Carlson,*	Helen M. Christensen,	Brockton.
14,	Albert Sugar,*	Arthur E. Averell,	Brockton.
28,	Ruth L. Lays,*	Ruth L. Mateon,	Brockton.
28,	Mildred A. Wood,*	Mildred W. Keith,	Brockton.
Nov. 23,	Harold W. Greene,*	Harold W. Leonard,	Wareham.

SUFFOLK COUNTY.

Jan. 15,	Mary Ryan,	Mary Flood,	Boston.
15,	Reubin Lichtenstein,*	Reubin Pearlberg,	Boston.
15,	Grace Stanley,*	Grace Anna Anderson,	Revere.
22,	Marie Alice Solis,*	Marie Alice Sawin,	Boston.
22,	Evelina Silva,*	Evelina S. Murry,	Boston.
22,	Bertha Frances Murphy,*	Bertha Frances Norton,	Boston.
29,	Helen Weiss,*	Helen Weiss Stevens,	Boston.
Feb. 5,	Louis Levenson,	Louis Hyman Levenson,	Boston.
12,	William Elliot Hanlon,	William Elliot Hamlin,	Boston.
12,	Carrie Frances Cutter,	Caroline Frances Cutter,	Boston.
12,	James A. Chapman,*	John George Butt,	Cambridge.
19,	Hans C. Guldbranson,	Hans C. Collin,	Revere.
19,	Henry Arthur Guldbranson,	Henry Arthur Collin,	Revere.
19,	Anna Elise Guldbranson,	Anna Elise Collin,	Revere.
19,	Harry Ratkowski,	Harry G. Roberts,	Boston.
19,	Catherine Clark Chalk,*	Catherine Clark Consens,	Boston.
19,	Edward James Clark,*	Theodore Julius Engster,	Revere.
26,	Lillian Carnes,*	Mary Lillian Thibedore,	Boston.
26,	Aaron Narkoonsky,	Aaron Norwood,	Boston.
26,	Hyman Narkoonsky,	Hyman Norwood,	Boston.
26,	Rebecca Narkoonsky,	Rebecca Norwood,	Boston.
March 5,	Mary Catherine DeCourcey,*	Mary Catherine Fay,	Boston.
12,	Max Shubovitz,	Max Shubert,	Boston.
19,	Carl Lyden,*	Carl Laurence Humphrey,	Boston.
25,	Ida May Roche,*	Ida May Palmer,	Boston.
26,	Louis Davgofsky,	Louis Davis,	Boston.
April 2,	Mary Norsworthy,*	Addie M. Stanley,	Boston.
2,	Frank Wark,*	Harold Sawyer Smith,	Boston.
9,	Thomas Francis Geoghegan,	Thomas Francis Gagen,	Boston.
9,	Lillian Maud Dodson,*	Lillian Maud Ellen Kenney,	Boston.
23,	Herbert Chandler Lauinger,	Herbert Chandler Williams,	Boston.
26,	Rosie Davgofsky,	Rosie Davis,	Boston.
30,	Mathew Smith Salvador,*	Mathew Smith,	Boston.
30,	Patrick James O'Brien,	James Patrick O'Brien,	Boston.
May 7,	William Pinkofsky,	William Pink,	Boston.
7,	James Edward Stanley,*	Edward Stanley Wales,	Boston.
14,	Chester Harold Locke,*	Frank Long Uncles,	Boston.
14,	Wm. Joseph Rosenbaum,	Wm. Joseph Rose,	Boston.
21,	Clifford Wetmore,*	Clifford Massoth,	Boston.
21,	Robert E. Christopperson,	Robert E. Christopher,	Boston.
23,	Ernest Wilson Gurney,*	Ernest Wilson Karcher,	Boston.
28,	Dorothy Noyes,*	Nathalie Field,	Boston.
June 4,	Mary E. H. Epstein,	Mary E. H. Edwards,	Boston.
4,	Edward H. Epstein,	Edwin H. Edwards,	Boston.
11,	Morris B. Aronovitch,	Morris B. Anderson,	Boston.
11,	Dorothy Shupe,*	Dorothy Barton Woodsum,	Boston.
11,	Anna Margaret Deveraux,*	Anna Margaret Haley,	Boston.
11,	Faith Cross Rochan,*	Evelyn Faith Barrus,	Springfield.
11,	Nellie Sylvia,*	Cosmo McCann,	Fairhaven.
25,	Ernest Joseph Burges,*	Ernest Joseph Gallagher,	Boston.
25,	Frank Fulton Hogg,	Frank Fulton Hogg Chipman,	Boston.
26,	Ida Olnsky,	Ida Olin,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
June 28,	Jacob Olinaky,	Jacob Olin,	Boston.
July 2,	Catherine Baxter,* . . .	Laron M. Parker, . . .	Boston.
2,	Sarah Higgins,*	Sarah Dowling,	Boston.
9,	Alice Maggie Woodman, . .	Alice Stuart Woodman, .	Boston.
23,	Olive Frances Leman,* . . .	Olive Frances Yeaton, .	Chelsea.
30,	Lucy A. Shanley,*	Grace Clark,	Boston.
30,	Emil Louis M. Gerard,* . .	Louis Emil Diehl, . . .	Boston.
30,	Ernest Raymond Somers,* .	Ernest Raymond Stewart,	Boston.
30,	George Martens,*	William Richard Stack,	Boston.
Aug. 12,	Charles Winston Stacy,* . .	Charles Ruggles Smith,	Boston.
20,	George Ring,*	George Clarence Vining,	Mansfield.
20,	Helen Mary McCarthy, . . .	Helen Mary Carter, . . .	Boston.
20,	Ida Poslonsky,	Ida Paine,	Boston.
20,	Morris Sheiff,*	Morris Horn,	Boston.
20,	John Josef Benes,	John Josef Benesh, . . .	Boston.
Sept. 8,	Jacob Kapovitz,	Jacob Karp,	Boston.
8,	Abraham Silverman,	Abraham Silver Emerson,	Boston.
10,	Margaret Levengle,	Mary Leone Arcana, . . .	Boston.
10,	Frances May Miller,	Frances May Miller Fredette,	Boston.
12,	Henry C. Kalbfleisch, . . .	Henry C. Kallish,	Boston.
17,	Harold Bartlett,*	Donald Farquhar Tainsh,	Boston.
17,	Helen T. Kellher,*	Helen Theresa Nielson,	Boston.
24,	Patrick Murphy,	Parker C. Murphy, . . .	Boston.
29,	Albert Farley Heard,	John Heard,	Boston.
Oct. 1,	Freddie Pulsifer,	Fred A. Pulsifer,	Boston.
2,	John Banks Cooper,*	John Banks Grove, . . .	Boston.
8,	Isaac Hartstein,	Walter Hartstone, . . .	Boston.
8,	Emma S. Unverhau,	Emma S. Howe,	Boston.
15,	William Penzansky,	William Penn,	Boston.
15,	E. Philip Finkelstein, . . .	E. Philip Finn,	Boston.
15,	Margaret Crane,*	Margaret Farley,	Boston.
15,	Frank B. Lemar,*	Frank B. Tanner,	Revere.
15,	Boyde Goodwin,*	Charles B. Watts,	Malden.
22,	Annie S. Goldberg,	Annie S. Golden,	Boston.
22,	Simon Goldberg,	Solomon Theodore Golden,	Boston.
22,	Edwin Austin Fitch,	Edwin Oberlin Fitch, . .	Boston.
Nov. 5,	Lena B. Kalbfleisch,	Lena B. Kallish,	Chelsea.
5,	John M. Currie,	John M. Currier,	Boston.
12,	Lorenzo Dicanio,	Laurence De Cane, . . .	Boston.
12,	Lillian Logan,*	Lillian Merlin,	Boston.
12,	Samuel B. Herzberg,	Samuel B. Hart,	Boston.
12,	Etta Smalensky,	Etta Small,	Boston.
12,	Joseph Smalensky,	Joseph Small,	Boston.
12,	Frank Lambert Haines,* . .	John Henry Kallish, . . .	Salem.
12,	Harrison S. Strong,*	Harrison Martin,	Boston.
19,	Ernest Wilbur Baker,* . . .	Ernest Wilbur Shallies,	Chelsea.
19,	Mabel Gibson,*	Mabel Bertha Frazer, . .	Boston.
19,	Bertha May Philney,* . . .	Mary Blake Hobson, . . .	Boston.
27,	Eugene Elmer Prescott,* . .	Eugene Elmer Prescott James,	Meredith, N. H.
Dec. 37,	Harry Smarkometz,	Harry Somers,	Boston.
4,	Geo. Austin Condon,*	George Austin Condon, . .	Boston.
5,	Nettie Dudley Conner, . . .	Nettie Evelyn Dudley, . .	Boston.
10,	Charles Henry Heffernan,* .	Charles Edwin Bertram, .	Boston.
11,	Walter Mason,*	Walter Dillingham, . . .	Boston.
24,	Ethel Theresa Nelson,* . . .	Ethel Theresa Gilligan,	Boston.
24,	George Orlovsky,	George Orlov,	Boston.
24,	Mary Orlovsky,	Mary Orlov,	Boston.
24,	Henrietta McLaughlin,* . .	Henrietta Dougherty, . .	Boston.
24,	Joseph A. McLaughlin,* . .	Joseph A. Dougherty, . .	Boston.
24,	George Norton Rand,* . . .	George Hickland,	Boston.
26,	Edwin Taylor,*	Edwin Taylor Morse, . .	Boston.
26,	Marie Pistor,	Marie Bistor,	Boston.
31,	Clara Barrett,*	Florence Nettle Hayward,	Boston.
31,	Catherine Bigelow,*	Priscilla Brown,	Boston.
31,	Peter Litzenberger,*	Peter Archibald,	Boston.

* Changed by reason of adoption.

WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
Jan. 13.	James Fred McCarron.	James Fred Langill.	Worcester.
14.	Herbert Eugene Lynch.*	Herbert Casey.	Uxbridge.
20.	Philip Isaac Markowitz.	Isaac Philip Phillips.	Worcester.
27.	John Berg.*	John Berg Freeman.	Lunenburg.
Feb. 10.	Annie DeLong.	Dorothy Lalitha Betcher.	Dana.
10.	Walter A. Lefebvre.	Walter A. LeFavor.	Worcester.
March 3.	Eva Bourassa.*	Eva Bernier.	Northbridge.
16.	Merle Linwood Craig.*	Theus Linwood Wright.	Holden.
17.	Harold Arthur Austin.*	Harold Arthur Thresher.	Barre.
17.	John Sangilair.*	John George Fohey.	Worcester.
April 8.	John Johnson.	John Johnson Hamilton.	Gardner.
14.	Olaf Kärkkäinen.	Olaf Salo.	Worcester.
14.	Ida Maria Kärkkäinen.	Ida Maria Salo.	Worcester.
14.	Walno John Kärkkäinen.	Walno John Salo.	Worcester.
14.	Carl Wilho Kärkkäinen.	Carl William Salo.	Worcester.
14.	Eino Olaf Kärkkäinen.	Eino Olaf Salo.	Worcester.
21.	Elizabeth McCollock.*	Elizabeth Turner.	Phillipston.
21.	Marian Chase.*	Mabel Margaret Fisher.	Clinton.
21.	Rose Edstrand.*	Edna Louise Huff.	Athol.
27.	Ellwood Preston Threlfall.*	Elwood Preston Gaw.	Clinton.
27.	Gertrude Alice Threlfall.*	Gertrude Alice Gaw.	Clinton.
30.	Nelle Kendall Wilder.*	Nelle Kendall.	Fitchburg.
May 6.	Frederick MacDonald.*	Frederick Joseph Blanchard.	Webster.
19.	John Bernard Gray.*	John Bernard Fitzpatrick.	Hardwick.
19.	Peter James Gray.*	Peter James Gorman.	Hardwick.
19.	Catherine Elizabeth Gray.*	Catherine Elizabeth McManus.	Hardwick.
20.	Frederick Charles Nutting.*	Frederick William Lawton.	Athol.
June 16.	Ella Maria Eager.	Ella Maria Bartlett.	Northborough.
29.	Louis Lipshitz.	Louis Lyons.	Worcester.
29.	Ethel S. Lipshitz.	Ethel S. Lyons.	Worcester.
29.	Ruth Lipshitz.	Ruth Lyons.	Worcester.
29.	Milton J. Lipshitz.	Milton J. Lyons.	Worcester.
29.	Samuel J. Lipshitz.	Samuel J. Lyons.	Worcester.
July 1.	Minnie Belle McMaster.	Mary Belle McMaster.	Southborough.
10.	Marion Sarah Shattuck.	Lincoln William Bennett.	Worcester.
21.	Harold William Smith.*	Marion Brittan Shattuck.	Worcester.
Aug. 6.	Lila Guy.*	Harold William Smith Fay.	Clinton.
28.	Etta Wheeler.*	Gladys Llewellyn.	Worcester.
28.	Alice Emelle Bouchard.*	Etta Wheeler White.	Southbridge.
28.	Joseph Buchanan Richards.*	Alice Emelle Renaud.	Southbridge.
28.	Hollace Rachel Bennett.*	George Joseph Jackson.	Mendon.
Sept. 1.	Sarkis Hachadoosian.	Hollace Rachel Cutting.	Fitchburg.
1.	Helen Theresa Brusio.*	Sarkis Safarjian.	Worcester.
8.	Roscoe Frank Concannon.*	Helen Theresa Donavan.	Worcester.
	otherwise called Roscoe Frank Livingston.		
8.	Irene Fournier.*	Roscoe Franklin Greene.	Northborough.
15.	Valery Slenkiewicz.*	Irene LaPointe.	Worcester.
22.	Clarence W. Flint.*	Valery Hylka.	Dudley.
Oct. 13.	Dorothy Belle Munro.*	Clarence Flint Perry.	Fitchburg.
Nov. 2.	Josephine Holmes.*	Dorothy Ellen Crawford.	Hardwick.
4.	Everett E. Craft.	Josephine Newell Baker.	Harvard.
9.	Antonio Moneca.*	Everett E. Thayer.	Southbridge.
16.	Della Agnes Finnegan.*	Antonio Pasquariello.	Worcester.
23.	George Henry Cleland.*	Della Agnes Dowling.	Uxbridge.
24.	Grace E. Brown.	George Edwin Crockett.	Northborough.
23.	Solomon Rabinowitz.	Grace E. Moore.	Winchendon.
Dec. 1.	Moses Feingold.	Solomon Robinson.	Worcester.
1.	Frederick William Fauerbach.*	Moses Fielding.	Worcester.
		Frederick William Fauerbach Ziegler.	
11.	Walter Ivan Rounds.*	Walter Ivan Sanders.	Fitchburg.
11.	Max Cohen.	Max Gelman.	Douglas.
22.	Florence May Titus.*	Florence Titus Smith.	Worcester.
			Athol.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF

The Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1904.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
JOHN L. BATES,
GOVERNOR.

FRANCIS HURTUBIS, Jr. *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR
CURTIS GUILD, JR.,
LIEUTENANT GOVERNOR.

COUNCIL—(By Districts).

I.—ROLAND C. NICKERSON Brewster.
II.—FREDERICK S. HALL Taunton.
III.—EDWIN R. HOAG Chelsea.
IV.—MICHAEL J. SULLIVAN Boston.
V.—GEORGE R. JEWETT Salem.
VI.—WALTER S. WATSON Lowell.
VII.—ARTHUR H. LOWE Fitchburg.
VIII.—RICHARD W. IRWIN Northampton.

WILLIAM M. OLIN,
SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy.*

EDWARD S. BRADFORD,
TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.* A. B. C. DEMING, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

HERBERT PARKER,
ATTORNEY-GENERAL.

RALPH A. STEWART, ROBERT G. DODGE,
ARTHUR W. DEGOOSH, FREDERICK H. NASH,
FREDERIC B. GREENHALGE,
ASSISTANT ATTORNEYS-GENERAL.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

SENATE.

President — GEORGE R. JONES.

District.	Name of Senator.	Residence.
First Suffolk, . . .	A. Dudley Bagley, . . .	Boston.
Second " . . .	Charles S. Sullivan, . . .	Boston.
Third " . . .	Henry S. Fitzgerald, . . .	Boston.
Fourth " . . .	John J. Gartland, Jr., . . .	Boston.
Fifth " . . .	David D. Leahy, . . .	Boston.
Sixth " . . .	Daniel V. McIsaac, . . .	Boston.
Seventh " . . .	Edward B. Callender, . . .	Boston.
Eighth " . . .	Andrew J. Peters, . . .	Boston.
Ninth " . . .	Daniel W. Lane, . . .	Boston.
First Essex, . . .	William F. Craig, . . .	Lynn.
Second " . . .	Samuel Cole, . . .	Beverly.
Third " . . .	Moody Kimball, . . .	Newburyport.
Fourth " . . .	Carleton F. How, . . .	Haverhill.
Fifth " . . .	Joseph J. Flynn, . . .	Lawrence.
First Middlesex, . . .	William F. Dana, . . .	Newton.
Second " . . .	William J. Rounds, . . .	Cambridge.
Third " . . .	John M. Woods, . . .	Somerville.
Fourth " . . .	George R. Jones, . . .	Melrose.

District.	Name of Senator.	Residence.
Fifth Middlesex,	Otis M. Gove,	Waltham.
Sixth	Chester W. Clark,	Wilmington.
Seventh "	James H. McKinley,	Lowell.
Middlesex and Essex,	Francis H. Appleton,	Peabody.
First Worcester,	Frank M. Heath,	Worcester.
Second "	John P. Munroe,	Worcester.
Third "	George R. Wallace,	Fitchburg.
Fourth "	Alvin B. Chamberlain,	Sturbridge.
Fifth "	Edward L. Osgood,	Hopedale.
First Hampden,	Henry F. Sampson,	Springfield.
Second "	Thomas J. Dillon,	Holyoke.
Franklin and Hampshire,	Herbert Newell,	Shelburne.
Berkshire,	William H. MacInnis,	Pittsfield.
Berkshire and Hampshire,	Loren P. Keyes,	New Marlborough.
First Norfolk,	Albert A. Brackett,	Milton.
Second "	Albion F. Bemis,	Foxborough.
First Plymouth,	Elisha T. Harvell,	Rockland.
Second "	David G. Pratt,	Middleborough.
First Bristol,	George N. Goff,	Rehoboth.
Second "	Frank M. Chace,	Fall River.
Third "	William J. Bullock,	New Bedford.
Cape,	William A. Nye,	Bourne.

HENRY D. COOLIDGE, *Clerk.*

EDWARD A. HORTON, *Chaplain.*

DAVID T. REMINGTON, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — LOUIS A. FROTHINGHAM.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . . {	George H. Battis, . . . Henry L. Plummer, . . .	Boston. Boston.
2d,	Boston, Ward 2, . . . {	Manassah E. Bradley, . . . William C. S. Healey, . . .	Boston. Boston.
3d,	Boston, Ward 3, . . . {	Francis J. Doherty, . . . James J. Mellen, . . .	Boston. Boston.
4th,	Boston, Ward 4, . . . {	George H. Cadigan, . . . John H. Quinlan, . . .	Boston. Boston.
5th,	Boston, Ward 5, . . . {	John C. Hurley, . . . Maurice J. Power, . . .	Boston. Boston.
6th,	Boston, Ward 6, . . . {	Thomas J. Grady, . . . George A. Scigliano, . . .	Boston. Boston.
7th,	Boston, Ward 7, . . . {	Daniel J. Donnelly, . . . John Quinn, Jr., . . .	Boston. Boston.
8th,	Boston, Ward 8, . . . {	William H. Cuddy, . . . Michael F. Hart, . . .	Boston. Boston.
9th,	Boston, Ward 9, . . . {	Daniel L. Flanagan, . . . Charles H. Reinhart, . . .	Boston. Boston.
10th,	Boston, Ward 10, . . . {	Guy W. Cox, . . . George H. Moore, . . .	Boston. Boston.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, .	March G. Bennett, . Louis A. Frothingham, .	Boston. Boston.
12th,	Boston, Ward 12, .	Harry H. Buxbaum, . Frank E. Gaylord, .	Boston. Boston.
13th,	Boston, Ward 13, .	Thomas J. Collins, . Frank J. Linehan, .	Boston. Boston.
14th,	Boston, Ward 14, .	Michael F. Curran, . Patrick J. Shiels, .	Boston. Boston.
15th,	Boston, Ward 15, .	William E. Hickey, . James M. Lane, .	Boston. Boston.
16th,	Boston, Ward 16, .	Richard H. Foley, . Arthur L. Gavin, .	Boston. Boston.
17th,	Boston, Ward 17, .	Thomas F. Curley, . Jeremiah J. Good, .	Boston. Boston.
18th,	Boston, Ward 18, .	John J. Butler, . David M. Owens, .	Boston. Boston.
19th,	Boston, Ward 19, .	William W. Clarke, . John F. Egan, .	Boston. Boston.
20th,	Boston, Ward 20, .	Guy Andrews Ham, . Thomas M. Vinson, .	Boston. Boston.
21st,	Boston, Ward 21, .	Clarence W. Starratt, . Edmund Weber, .	Boston. Boston.
22d,	Boston, Ward 22, .	Jeremiah J. Kelley, . Frank Seiberlich, .	Boston. Boston.
23d,	Boston, Ward 23, .	John A. Coulthurst, . Joseph J. Leonard, .	Boston. Boston.
24th,	Boston, Ward 24, .	William E. Hannan, . Henry N. Locklin, .	Boston. Boston.
25th,	Boston, Ward 25, .	Allen Clark, Jr., . William H. Woods, .	Boston. Boston.
26th,	Chelsea, Wards 1, 2, .	Daniel M. O'Connell, .	Chelsea.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
27th,	Chelsea, Wards 3, 4, .	David A. Monroe, . .	Chelsea.
28th,	{ Chelsea, Ward 5, . . } { Revere, } { Winthrop, }	Alfred S. Hall, . .	Revere.

COUNTY OF ESSEX.

1st,	Amesbury,	Samuel L. Porter, . .	Amesbury.
2d,	{ Merrimac, } { Newburyport, Ward 6, . . } { Salisbury, } { West Newbury, }	George A. Titcomb, .	Merrimac.
3d,	Haverhill, Wards 4, 6,	Mellen A. Pingree, . .	Haverhill.
4th,	Haverhill, W'ds 1, 2, 3,	Fred V. Hooke, . .	Haverhill.
5th,	Haverhill, Ward 5, .	William L. Adams, . .	Haverhill.
6th,	{ Lawrence, Wards 1, 2, } { Methuen, }	Edwin J. Castle, . . Otto Mueller,	Methuen. Lawrence.
7th,	{ Lawrence, Wards 3, 4, } { 5, 6, }	Edward C. Callahan, . . Dennis H. Finn, William J. Graham, . .	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, } { Middleton, } { North Andover, }	John N. Cole,	Andover.
9th,	{ Boxford, } { Georgetown, } { Groveland, } { Haverhill, Ward 7, . . }	Harry P. Morse,	Haverhill.
10th,	{ Danvers, } { Peabody, } { Topsfield, }	John J. Cahill, Charles H. Goulding, . .	Peabody. Peabody.
11th,	{ Lynn, Ward 3, } { Swampscott, }	John M. Grosvenor, Jr., . . George H. Jackson, . .	Swampscott. Lynn.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th,	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, . . . }	John W. Blaney,* . Asa T. Newhall, .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . } { Nahant, . . . }	Matthew McCann, . William R. Salter, .	Lynn. Lynn.
14th,	{ Lynn, Ward 6, . . } { Saugus, . . . }	Frank P. Bennett, Jr., . William A. Kelley, .	Saugus. Lynn.
15th,	Marblehead, . .	George H. Thorburn, .	Marblehead.
16th,	Salem, Wards 1, 2, .	Thomas L. Davis, .	Salem.
17th,	Salem, Wards 3, 5, .	William H. Gove, .	Salem.
18th,	Salem, Wards 4, 6, .	Lewis H. Millett, .	Salem.
19th,	{ Beverly, . . . } { Essex, . . . } { Gloucester, Ward 8, . } { Hamilton, . . . } { Manchester, . . . } { Wenham, . . . }	Franklin K. Hooper, . Winthrop E. Perry, .	Manchester. Beverly.
20th,	{ Gloucester, Wards 1, 3, } { 4, 5, 6, . . . }	Augustus Hubbard, . Edwin C. McIntire, .	Gloucester. Gloucester.
21st,	{ Gloucester, Wards 2, 7, } { Rockport, . . . }	Frederick H. Tarr, .	Rockport.
22d,	{ Ipswich, . . . } { Newbury, . . . } { Newburyport, Wards 1, } { 2, 3, 4, 5, . . . } { Rowley, . . . }	Thomas Huse, . . George A. Schofield, .	Newburyport. Ipswich.

COUNTY OF MIDDLESEX.

1st,	Cambridge, Wards 8, 9,	W. Rodman Peabody, .	Cambridge.
2d,	{ Cambridge, Wards 3, 4, } { 5, . . . }	James F. Aylward, . Edward J. Sennott, .	Cambridge. Cambridge.
3d,	Cambridge, Wards 1, 2,	Henry F. Lehan, .	Cambridge.

* Died March 21.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Cambridge, Wards 6, 7, {	Edward E. Clark, . . Eben H. Googins, . .	Cambridge. Cambridge.
5th,	Cambridge, W'ds 10, 11,	Frederick S. Deitrick, .	Cambridge.
6th,	Somerville, Ward 1, .	Samuel Newton Cutler, .	Somerville.
7th,	{ Somerville, Wards 2, 3, { 6, 7, }	Robert Luce, . . . Elmer A. Stevens, . . Arthur P. Vinal, . .	Somerville. Somerville. Somerville.
8th,	Somerville, Wards 4, 5,	William H. Cushman, .	Somerville.
9th,	Medford, W'ds 1, 2, 4, 5,	James C. D. Clark, .	Medford.
10th,	Everett, {	J. Howard Nason, . . H. Huestis Newton, .	Everett. Everett.
11th,	Malden, {	Charles L. Davenport, . Charles Schumacker, . Everett J. Stevens, .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, . Winchester, . . . }	Alfred S. Hall, . . .	Winchester.
13th,	{ Arlington, Lexington, . . . }	Edward C. Stone, . . .	Lexington.
14th,	{ Belmont, Watertown, . . . }	Henry W. Seward, . . .	Watertown.
15th,	Waltham, {	George H. Doty, . . . Edward A. Walker, . .	Waltham. Waltham.
16th,	Newton, {	James A. Lowell, . . . Edgar W. Warren, . .	Newton. Newton.
17th,	{ Bedford, Concord, Lincoln, Weston, }	Harvey Wheeler, . . .	Concord.
18th,	Natick,	Edward L. McManus, .	Natick.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Ashland, . . . } { Holliston, . . . } { Hopkinton, . . . } { Sherborn, . . . }	William H. Coolidge,	Sherborn.
20th,	Framingham, . . .	Samuel O. Staples, . . .	Framingham.
21st,	{ Marlborough, . . . } { Sudbury, . . . } { Wayland, . . . }	William M. Brigham, John J. Mitchell, . . .	Marlborough. Marlborough.
22d,	{ Boxborough, . . . } { Hudson, . . . } { Maynard, . . . } { Stow, . . . }	Fred O. Welsh, . . .	Hudson.
23d,	{ Acton, . . . } { Ayer, . . . } { Littleton, . . . } { Shirley, . . . } { Westford, . . . }	George H. Hartford,	Westford.
24th,	{ Ashby, . . . } { Groton, . . . } { Pepperell, . . . } { Townsend, . . . }	Julius K. Gates, . . .	Ashby.
25th,	{ Chelmsford, . . . } { Dunstable, . . . } { Lowell, Wards 4, 7, 8, } { Tyngsborough, . . . }	William H. I. Hayes, Horton H. Hilton, . . . John J. McManmon,	Lowell. Lowell. Lowell.
26th,	Lowell, W'ds 1, 2, 3, 6, {	Cecil L. Adams, . . . John J. Pinder, . . . Harry L. Timmons,	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . } { Burlington, . . . } { Carlisle, . . . } { Dracut, . . . } { Lowell, Wards 5, 9, } { North Reading, . . . } { Tewksbury, . . . } { Wilmington, . . . }	Daniel J. O'Brien, . . . William E. Westall,	Lowell. Lowell.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
28th,	{ Reading, . . . } Woburn, . . . }	Charles H. Nowell, . Herbert S. Riley, .	Reading. Woburn.
29th,	Wakefield, . . .	George M. Poland, .	Wakefield.
30th,	Stoneham, . . .	Sidney A. Hill, .	Stoneham.
31st,	Melrose, . . .	John G. Robinson, .	Melrose.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } Phillipston, . . . } Royalston, . . . }	Fred W. Lord, . . .	Athol.
2d,	{ Ashburnham, . . . } Gardner, . . . } Templeton, . . . } Winchendon, . . . }	Guy W. Garland, . C. Aylmer Smith, .	Gardner. Templeton.
3d,	{ Barre, . . . } Dana, . . . } Hardwick, . . . } Hubbardston, . . . } Petersham, . . . } Westminster, . . . }	Allen S. Woodward, .	Hubbardston.
4th,	{ Holden, . . . } New Braintree, . . . } North Brookfield, . . . } Oakham, . . . } Princeton, . . . } Rutland, . . . }	William C. Temple, .	Rutland.
5th,	{ Brookfield, . . . } Sturbridge, . . . } Warren, . . . } West Brookfield, . . . }	William A. Edson, .	W. Brookfield.
6th,	{ Leicester, . . . } Paxton, . . . } Spencer, . . . }	William H. Potter, .	Spencer.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
7th,	{ Charlton, . . . Dudley, . . . Oxford, . . . Southbridge, . . . Webster, . . . }	Alfred M. Chaffee, . Thomas F. Hederman, .	Oxford. Dudley.
8th,	{ Auburn, . . . Douglas, . . . Millbury, . . . Sutton, . . . }	Daniel J. Dempsey, .	Millbury.
9th,	{ Blackstone, . . . Grafton, . . . Northbridge, . . . Shrewsbury, . . . Uxbridge, . . . }	J. Frank Donahue, . Michael Fitzgerald, .	Grafton. Blackstone.
10th,	{ Hopedale, . . . Mendon, . . . Milford, . . . Upton, . . . Westborough, . . . }	Lowell E. Fales,* . John S. Nason, .	Milford. Westborough.
11th,	{ Berlin, . . . Boylston, . . . Clinton, . . . Northborough, . . . Southborough, . . . Sterling, . . . West Boylston, . . . }	George A. Hastings, . Samuel W. Tyler, .	Boylston. Clinton.
12th,	{ Bolton, . . . Fitchburg, Ward 6, . . . Harvard, . . . Lancaster, . . . Lunenburg, . . . }	Allan G. Buttrick, .	Lancaster.
13th,	{ Fitchburg, Wards 1, 2, } 3, 4, 5, . . . }	Peter F. Ward, . Charles H. Winslow, .	Fitchburg. Fitchburg.
14th,	Leominster, . . .	Hamilton Mayo, .	Leominster.
15th,	Worcester, Ward 1, .	Warren C. Jewett, .	Worcester.
16th,	Worcester, Ward 2, .	George C. Hunt, .	Worcester.

* Resigned June 9.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
17th.	Worcester, Ward 3, .	Edward H. O'Brien, .	Worcester.
18th.	Worcester, Ward 4, .	Mark N. Skerrett, .	Worcester.
19th.	Worcester, Ward 5, .	Hugh H. O'Rourke, .	Worcester.
20th.	Worcester, Ward 6, .	Julius Garst, .	Worcester.
21st.	Worcester, Ward 7, .	Arthur M. Taft, .	Worcester.
22d.	Worcester, Ward 8, .	Elmer C. Potter, .	Worcester.

COUNTY OF HAMPSHIRE.

1st.	{ <div>Goshen, . . .</div> <div>Hadley, . . .</div> <div>Hatfield, . . .</div> <div>Northampton, . . .</div> <div>Westhampton, . . .</div> <div>Williamsburg, . . .</div>
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COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, Holland, Monson, Palmer, Wales, }	Arthur D. Norcross,	Monson.
2d,	{ Agawam, East Longmeadow, . . Granville, Hampden, Longmeadow, Ludlow, Southwick, Tolland, Wilbraham, }	Frank B. Allen,	Longmeadow.
3d,	{ Springfield, Wards 1, } 2, 8, }	Elisha H. Brewster, Edgar V. Tanner, . .	Springfield. Springfield.
4th,	{ Springfield, Wards 3, } 4, 5, }	Fordis C. Parker, . . Luke S. Stowe, . . .	Springfield. Springfield.
5th,	Springfield, Wards 6, 7,	Fred A. Bearse, . . .	Springfield.
6th,	{ Chicopee, Wards 1, 2, } 3, 4, 5, 6, . . . }	Michael B. Houlihan,	Chicopee.
7th,	{ Chicopee, Ward 7, . } Holyoke, Wards 1, 2, . 3, 4, 5, }	Jeremiah J. Hurley, John F. Sheehan, . .	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7, .	Charles A. Andrews,	Holyoke.
9th,	{ Blandford, Chester, Montgomery, Russell, West Springfield, . . Westfield, }	Harold P. Moseley, . Nelson Sherburne, . .	Westfield. W. Springfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } Buckland, . . . } Charlemont, . . . } Colrain, . . . } Conway, . . . } Hawley, . . . } Heath, . . . } Monroe, . . . } Rowe, . . . } Shelburne, . . . }	Charles E. Ward, . . .	Buckland.
2d,	{ Bernardston, . . . } Gill, . . . } Greenfield, . . . } Leyden, . . . }	Adelbert S. Atherton, . . .	Bernardston.
3d,	{ Deerfield, . . . } Leverett, . . . } Montague, . . . } Sunderland, . . . } Wendell, . . . } Whately, . . . }	Luther W. Clark, . . .	Deerfield.
4th,	{ Erving, . . . } New Salem, . . . } Northfield, . . . } Orange, . . . } Shutesbury, . . . } Warwick, . . . }	Henry S. Ames, . . .	Orange.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } North Adams, . . . }	James W. Chrystal, . . . William H. Woodhead, . . .	North Adams. North Adams.
2d,	{ Dalton, . . . } Hancock, . . . } Lanesborough, . . . } New Ashford, . . . } Williamstown, . . . }	Edward H. Brewer, . . .	Dalton.

COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, Cheshire, Florida, Savoy, Windsor, }	Robert D. Cadagon,	Adams.
4th,	Pittsfield, }	William A. Burns, . . William A. Fahey, . .	Pittsfield. Pittsfield.
5th,	{ Becket, Hinsdale, Lenox, Peru, Richmond, Washington, West Stockbridge, . . }	Robert J. Harrington,	Hinsdale.
6th,	{ Lee, New Marlborough, . . Otis, Sandisfield, Stockbridge, Tyringham, }	Allen T. Treadway,	Stockbridge.
7th,	{ Alford, Egremont, Great Barrington, . . Monterey, Mount Washington, . . Sheffield, }	Charles Giddings, . .	Gt. Barrington.

COUNTY OF NORFOLK.

1st,	{ Dedham, Norwood, Westwood, }	Henry E. Weatherbee,	Westwood.
2d,	Brookline,	Joseph Walker, . .	Brookline.
3d,	Hyde Park,	Alonzo W. Dunbar,	Hyde Park.
4th,	{ Canton, Milton, }	Charles S. Pierce, . .	Milton.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Quincy, . . . }	Peter T. Fallon, . . Richard R. Freeman, .	Quincy. Quincy.
6th,	{ Braintree, . . . Weymouth, . . . }	George L. Barnes, . . Horace R. Drinkwater, .	Weymouth. Braintree.
7th,	{ Avon, . . . Holbrook, . . . Randolph, . . . }	Frederick W. Whitcomb,	Holbrook.
8th,	{ Sharon, . . . Stoughton, . . . Walpole, . . . }	Gurdon Southworth, .	Stoughton.
9th,	{ Dover, . . . Medfield, . . . Millis, . . . Needham, . . . Wellesley, . . . }	Evan F. Richardson, .	Millis.
10th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Medway, . . . Norfolk, . . . Wrentham, . . . }	William F. Maintien, . Herbert W. Thayer, .	Wrentham. Franklin.

COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . Plymouth, . . . }	Charles S. Davis, . .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	Ernest L. Bonney, . .	Scituate.
3d,	{ Cohasset, . . . Hingham, . . . Null, . . . }	Reginald L. Robbins, .	Hingham.
4th,	{ Hanover, . . . Hanson, . . . Rockland, . . . }	Sumner A. Chapman, .	Hanson.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th.	{ Abington, . . . } Whitman, . . . }	Frank G. Wheatley, .	Abington.
6th.	{ Carver, . . . } Lakeville, . . . } Marion, . . . } Mattapoisett, . . . } Rochester, . . . } Wareham, . . . }	Franklin B. Allen, .	Marion.
7th.	{ Halifax, . . . } Middleborough, . . . } Plympton, . . . }	George R. Sampson, .	Middleborough.
8th.	{ Bridgewater, . . . } East Bridgewater, . . . } West Bridgewater, . . . }	George A. Turner, .	Bridgewater.
9th.	Brockton, Wards 3, 4, .	Wallace C. Ransden, .	Brockton.
10th.	Brockton, W'ds 1, 2, 5, }	James Sidney Allen, . George H. Garfield, .	Brockton. Brockton.
11th.	Brockton, Wards 6, 7, .	William S. Bamford, .	Brockton.

COUNTY OF BRISTOL.

1st.	{ Attleborough, . . . } North Attleborough, . . . } Norton, . . . } Rehoboth, . . . } Seekonk, . . . }	Henry W. Brown, . Charles T. Oldfield, .	Seekonk. Norton.
2d.	{ Easton, . . . } Mansfield, . . . } Raynham, . . . }	Charles B. Gardiner, .	Raynham.
3d.	Taunton, Wards 5, 7, 8,	Frank X. Greenwood, .	Taunton.
4th.	Taunton, Wards 2, 3, 4,	Albert G. Godfrey, .	Taunton.
5th.	{ Berkley, . . . } Dighton, . . . } Taunton, Wards 1, 6, . }	Edward C. Paull, .	Taunton.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Eben F. Leonard, . . .	Acushnet.
7th,	{ New Bedford, Wards 1, } { 2, 3, . . . }	John B. Lowney, . . . Samuel Ross, . . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards 4, } { 5, 6, . . . }	George O. Baker, . . . Nathaniel P. Sowle, . . .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, } { Westport, . . . }	William H. Cook, . . . Thomas Dowd, . . .	Fall River. Fall River.
10th,	Fall River, W'ds 3, 4, 5, {	Thomas Donahue, . . . Joseph A. Parks, . . .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, } { 8, 9, . . . } { Somerset, . . . } { Swansea, . . . }	David P. Keefe, . . . Pierre F. Peloquin, . . . Thomas B. Rounds, . . .	Fall River. Fall River. Somerset.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Thomas Pattison, . . .	Barnstable.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Heman Andrew Harding, . . .	Chatham.
3d,	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	Joseph L. Rogers, . . .	Orleans.

COUNTY OF DUKES COUNTY.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . West Tisbury, . . . }	Herbert N. Hinckley,	Tisbury.

COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Arthur H. Gardner,	Nantucket.
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 DAVID T. REMINGTON, Sergeant-at-Arms.

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WILLIAM SCHOFIELD,	<i>of Malden.</i>
LLOYD E. WHITE,	<i>of Taunton.</i>
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LAND COURT.**JUDGE.**

LEONARD A. JONES,	<i>of Boston.</i>
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ASSOCIATE JUDGE.

CHARLES T. DAVIS,	<i>of Beverly.</i>
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RECORDER.

CLARENCE C. SMITH,	<i>of Everett.</i>
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JOHN P. MANNING, Boston, Sup. Court, Criminal Business, .	
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HAYNES H. CHILSON, Northampton,	HAMPSHIRE.
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SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

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[Congressional Districts established by Chap. 511, Acts of 1901.]

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 HENRY CABOT LODGE, *of Nahant.*

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 II. — FREDERICK H. GILLETT, *of Springfield.*
 III. — JOHN R. THAYER, *of Worcester.*
 IV. — CHARLES Q. TIRRELL, *of Natick.*
 V. — BUTLER AMES, *of Lowell.*
 VI. — AUGUSTUS P. GARDNER, *of Hamilton.*
 VII. — ERNEST W. ROBERTS, *of Chelsea.*
 VIII. — SAMUEL W. McCALL, *of Winchester.*
 IX. — JOHN A. KELIHER, *of Boston.*
 X. — WILLIAM S. McNARY, *of Boston.*
 XI. — JOHN A. SULLIVAN, *of Boston.*
 XII. — SAMUEL L. POWERS, *of Newton.*
 XIII. — WILLIAM C. LOVERING, *of Taunton.*
 XIV. — WILLIAM S. GREENE, *of Fall River.*

APPENDIX

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to appoint a skilled person to prepare "a table of changes in the general laws."

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "REVISED LAWS."

Chapter 1.—Of the Jurisdiction of the Commonwealth, and Places ceded to the United States.

SECT. 5. Tracts ceded. In Nahant. St. 1902, 373. The "Graves."
St. 1903, 258 § 1. In Nantucket. St. 1904, 428.

SECT. 9 extended to geological survey. St. 1903, 150 § 1.

SECTS. 10-12. See St. 1903, 150 § 2.

Chapter 2.—Of the Arms and the Great Seal of the Commonwealth.

Use of representations, for advertising or commercial purposes, forbidden.
St. 1903, 195.

Chapter 3.—Of the General Court.

SECT. 12 amended. St. 1904, 87. (See 1904, 440.)

SECT. 17 amended. St. 1902, 544 § 1.

Chapter 4.—Of the Governor, Lieutenant Governor and Council.

SECT. 6. Salary of executive secretary fixed. St. 1904, 268. Assistant messenger. St. 1902, 523.

SECT. 8. Allowance for clerical assistance. St. 1904, 88.

Chapter 5.—Of the Secretary of the Commonwealth.

SECT. 2 revised. St. 1902, 364.

SECT. 4 *et seq.* See St. 1902, 470, 524, 544 § 8; 1903, 368 §§ 2, 4, 484 §§ 2, 3; 1904, 374 § 5, 458 § 2; Res. 8.

SECT. 6. See St. 1902, 438.

SECT. 11 amended. St. 1903, 424 § 1.

Chapter 6.—Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

SECT. 1 *et seq.* See St. 1903, 251, 368 § 2; 1904, 246, 421, 426, 427 §§ 1, 3, 431.

SECT. 4. Salary changed: third clerk. St. 1903, 398 §§ 1, 2.

SECT. 7. See St. 1903, 109.

SECT. 14. Allowance for additional assistance increased. St. 1902, 177; 1903, 120. (See 1904, 440.)

SECT. 15 *et seq.* See St. 1903, 368 § 2; 1904, 431, 458 § 2.

SECT. 28 *et seq.* See St. 1904, 458 §§ 1-6.

SECTS. 46, 48 amended. St. 1903, 283 §§ 1, 2.

SECT. 59. Certain checks excepted. St. 1902, 55.

SECTS. 65, 79. See St. 1903, 471; 1904, 458.

SECT. 69. See St. 1903, 109.

SECT. 72 *et seq.* Treasurer may issue bonds or scrip on serial plan, instead of a sinking fund. St. 1903, 226. Issue of bonds or notes regulated. St. 1904, 263.

SECT. 77. Extended to contracts for counties, cities and towns. St. 1904, 349.

Chapter 7.—Of the Attorney-General and the District Attorneys.

SECT. 1 *et seq.* See St. 1903, 251; 1904, 344 § 1, 375 §§ 3-6, 421 § 1.

SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2.

SECT. 13. Salaries changed: district attorney, northern district. St. 1903, 395 § 1. Assistant, eastern district. St. 1902, 530. Assistant, northern district. St. 1903, 395 § 1. First and second assistants, Suffolk. St. 1902, 471.

Chapter 8.—Of the Statutes.

SECT. 5, cl. 9. "Home week" established. St. 1902, 109.

Chapter 9.—Of the Printing and Distribution of the Laws.

A board of publication is established. St. 1902, 438.

SECT. 5. Fisheries and game. See St. 1903, 291.

SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7 repealed in part. St. 1902, 228 § 8, 438 § 7. Board of health may publish certain information in interests of public health. St. 1902, 230. Limitation as to statistics in reports. St. 1904, 388 § 2.

Amended. St. 1902, 269; 1903, 291, 390; 1904, 388 § 1, 410.

Certain printed town records added. St. 1902, 470 § 2.

Provision for distribution of certain state documents to law libraries. St. 1904, 209.

Chapter 10.—Of the State House, the Sergeant-at-Arms and the State Library.

SECT. 10 amended. Compensation of watchmen fixed. St. 1903, 455 § 1.

SECT. 11. Sergeant may employ a cashier who shall be a stenographer. St. 1903, 323 § 1. Postmaster's salary changed. St. 1903, 323 § 1.

Chapter 11.—Of Elections.

Name of "democratic social" party changed to "socialist" party. St. 1902, 56.

SECT. 1. Municipal political parties in Cambridge. St. 1902, 529.

SECT. 5 revised. St. 1904, 334 § 1. (See 1902, 384.)

SECTS. 15-23. Lists in Boston to be made by police department. St. 1903, 279; 1904, 245. (See 1903, 474 §§ 1, 13.)

SECT. 15 limited and in part repealed. St. 1903, 279 §§ 16, 18, 20.

SECT. 16 amended. St. 1903, 279 § 17.

SECT. 17 limited. St. 1903, 279 § 16; 1904, 294 § 1.

SECT. 18 limited. St. 1904, 294 § 2.

SECT. 19 amended. St. 1903, 430 § 1; 1904, 294 § 3.

SECT. 20 amended. St. 1902, 90. Limited. St. 1903, 279 § 16.

SECT. 46 revised. St. 1903, 474 § 1. (See 1903, 279 § 19.)

SECT. 47 amended. St. 1903, 474 § 2.

SECTS. 51-53 amended. St. 1903, 474 §§ 3-5. (See 1903, 279 § 7.)

SECT. 54 limited. St. 1903, 279 § 19.

SECT. 60. Provision as to Suffolk senatorial districts. St. 1902, 348, 512, 537; 1903, 425.

SECT. 84 amended. Provision for announcement of number of the committee. St. 1902, 225, 492.

SECT. 85 *et seq.* See "Act relative to caucuses held preparatory to national conventions of political parties." St. 1904, 179.

SECTS. 85-135. Provision for joint caucuses or primaries of all political and municipal parties. St. 1903, 454; 1904, 41, 377. (See 1903, 450; 1904, 179.)

SECT. 90 amended. St. 1903, 474 § 6.

SECT. 93. See St. 1903, 453 § 2.

SECT. 96 amended. St. 1902, 506. (See 1904, 179 § 2.)

SECTS. 97, 98, 108. Provision for direct nomination of candidates for congress in the 9th, 10th and 11th districts. St. 1903, 450 § 1.

SECTS. 99-131. See St. 1904, 179.

SECTS. 107-116. See St. 1903, 454 § 5.

SECT. 108 amended. St. 1903, 474 § 7. (See 1902, 537 § 3.)

SECT. 109 amended. St. 1904, 275.

SECT. 117. See St. 1904, 404.

SECTS. 117-120. See St. 1903, 454 § 6.

SECT. 119 amended. St. 1904, 201.

SECT. 124. See St. 1902, 537 § 2; 1903, 453 § 1.

SECT. 127. See St. 1904, 179 § 2.

SECTS. 136-149. Provision for direct nomination in cities of candidates for certain offices. St. 1902, 537; 1903, 425 § 1, 426, 450.

SECT. 137 amended. St. 1903, 474 § 8.

SECT. 152. See St. 1903, 454 § 14.

SECT. 171 amended. St. 1902, 157; 1903, 454 § 9.

SECTS. 172, 173 amended. St. 1903, 454 § 9.

SECT. 175 amended. St. 1903, 454 § 9.

SECT. 231 amended. St. 1903, 474 § 9.

SECT. 233 amended. St. 1903, 474 § 10.

SECT. 235. See St. 1903, 454 § 11.

SECT. 241 amended. St. 1903, 474 § 11.

SECT. 267 amended. St. 1903, 474 § 12; 1904, 293 § 1.

SECTS. 270-273. State board of voting machine examiners provided for. St. 1903, 368 §§ 1, 2.

SECT. 272 repealed. St. 1903, 368 § 3.

SECT. 273. See St. 1903, 368 § 2.

SECT. 279 amended. St. 1902, 544 § 2.

SECT. 285 amended. St. 1904, 380 § 1.

SECT. 287 amended. St. 1904, 380 § 2.

SECT. 288 revised. St. 1904, 380 § 3.

SECTS. 297, 298, 299 revised. St. 1904, 375 §§ 1-3.

SECT. 300 repealed. St. 1904, 375 § 4.

SECT. 301 amended. St. 1904, 375 § 5.

SECT. 305 revised. St. 1904, 375 § 6.

SECT. 331. Town may provide that moderator be elected for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3.

SECT. 385 revised. St. 1904, 310 § 1.

SECT. 388 amended. St. 1903, 279 § 14.

SECT. 389 amended. St. 1903, 279 § 15. (See 1903, 279 § 4.)

SECT. 390 revised. St. 1904, 310 § 2.

SECT. 420 revised. St. 1904, 375 § 7.

SECT. 421. Disposal of cases restricted. St. 1903, 318 § 1.

SECT. 422. Districts for election of representative to fill a vacancy. St. 1902, 518. Nominations in 9th, 10th and 11th districts to be made in caucuses by direct plurality vote. St. 1903, 450 § 1. (See 1903, 454.)

Chapter 12.—Of the Assessment of Taxes.

SECT. 4. Fourth cl. in part repealed. St. 1902, 374 § 4. Act to impose an excise tax on business of selling, giving or delivering trading stamps or similar devices. St. 1904, 403. (See 1903, 386.) Taxation of corporations. St. 1903, 437 §§ 71-81; 1904, 261, 442.

SECTS. 7, 8 and 9 repealed, and new provisions made for taxing vessels engaged in foreign trade. St. 1902, 374.

SECTS. 10, 11. See St. 1903, 161.

SECT. 12 amended. St. 1903, 161 § 1.

SECT. 15 amended. St. 1902, 113.

SECT. 17 amended. St. 1902, 112.

SECT. 23. Provision as to underground wires, etc., added. St. 1902, 342 § 1.

SECT. 41 revised. St. 1903, 157 § 1.
SECT. 49 repealed. St. 1902, 111.
SECT. 73 *et seq.* See St. 1904, 442.
SECTS. 78, 79. See St. 1903, 161 § 1.
SECT. 84 amended. St. 1902, 91.
SECT. 93 amended. St. 1904, 181. (See 1903, 437 § 74; 1904, 261 § 1, 442 § 1.)

Chapter 13.—Of the Collection of Taxes.

SECT. 20 *et seq.* A foreign corporation or non-resident failing to pay the tax may be enjoined in equity from doing business here until tax is paid. St. 1902, 349.

SECT. 43 amended. Provision as to deed being *prima facie* evidence after five years stricken out. St. 1902, 423.

SECTS. 60, 61 are superseded. St. 1902, 443.

Chapter 14.—Of the Taxation of Corporations.

The law as to taxation of business corporations is revised. St. 1903, 437 §§ 71-87; 1904, 261. An act relative to the assessment of taxes upon corporations and to the abatement thereof. St. 1904, 442.

SECT. 2 amended. Allowance for expenses increased. St. 1904, 99.

SECT. 3 *et seq.* See St. 1904, 374 § 5, 435.

SECT. 5. See St. 1904, 385.

SECT. 24 amended. Returns to include new policies. St. 1903, 307 § 1.

SECTS. 37-40, 42, 54-63, 66-68, in part repealed. St. 1903, 437 § 95. (See 1903, 342 §§ 2-5, 437; 1904, 261, 442.)

SECTS. 49, 50, 51, 52, 69 repealed. St. 1903, 437 § 95. (See 1904, 261 § 1.)

Chapter 15.—Of the Taxation of Collateral Legacies and Successions.

SECTS. 2-4. Provision for cases where there is an intervening estate for life or a term of years. St. 1902, 473; 1903, 276. Treasurer may settle certain cases. St. 1903, 251; 1904, 421.

SECT. 17. Jurisdiction of probate courts extended. St. 1903, 248.

Chapter 16.—Of the Militia.

The governor is authorized to organize the militia in conformity with ch. 196, Vol. 32, U. S. Stats. at Large. St. 1903, 481.

SECT. 13. See St. 1904, 231 § 3, 361.

SECT. 14. Additional clerks. St. 1904, 439. Allowance increased. St. 1902, 336.

SECT. 24. See St. 1903, 481.

SECT. 30 amended. St. 1903, 377.

SECT. 59. Examinations regulated. St. 1903, 151 § 1.

SECT. 78 amended. St. 1904, 231 §§ 1, 2.

SECT. 82 amended. St. 1902, 158.

SECT. 85. See St. 1904, 361.

SECTS. 106-112. See St. 1903, 457 § 1.

SECTS. 107-111. See St. 1904, 371.

SECTS. 118, 119 in part repealed. St. 1903, 457 § 3.

SECT. 139 amended. St. 1903, 247.

SECT. 143. Extended to hospital ambulances. St. 1904, 161.

SECT. 147 amended. St. 1904, 226 § 1.

SECT. 150. Allowance for officers' uniforms. St. 1904, 361.

SECT. 180 revised. St. 1902, 493. (See 1904, 231 § 3.)

Chapter 18. — General Provisions relative to State Officers.

SECT. 13 revised. St. 1903, 229 § 1.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320.

SECT. 16 amended. St. 1904, 295.

Chapter 19. — Of the Civil Service.

Removals and suspensions regulated. St. 1904, 314.

Provisions of this chapter shall apply to certain offices in town of Milton if accepted by town. St. 1903, 102; 1904, 143, 288. (See 1900, 69 § 3.)

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 5 amended. Certain records may be destroyed after six years. St. 1902, 308.

SECT. 6 *et seq.* See act relative to civil service rules and regulations. St. 1904, 198.

SECTS 21, 22 limited. St. 1902, 413; 1904, 430.

SECT. 23 extended. St. 1904, 314.

SECT. 36 amended. St. 1902, 544 § 3.

SECT. 37. See St. 1903, 102; 1904, 143, 288.

Chapter 20. — Of Counties and County Commissioners.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 14. Salaries classified and established. St. 1904, 451 § 1. (See 1902, 411, 544 § 4.)

SECT. 24. See St. 1902, 226; 1903, 243, 344.

SECT. 27. Provision to secure persons furnishing materials or labor on public works. St. 1904, 349.

SECT. 30. See St. 1904, 317.

Chapter 21.—Of County Treasurers, the Controller of County Accounts and County Finances.

SECT. 1. See St. 1904, 451 § 4.

SECT. 2 amended. Salaries classified and established. St. 1904, 451 §§ 1, 5.

SECT. 20. See St. 1904, 277 § 2.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 158.

Chapter 22.—Of Registers of Deeds.

SECT. 7 amended. St. 1902, 544 § 5.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.

Provision for future readjustments of salaries. St. 1904, 452 § 2.

Chapter 23.—Of Sheriffs.

SECT. 18. Salaries changed: Franklin. St. 1902, 359. Plymouth. St. 1902, 436.

Chapter 24.—Of Medical Examiners.

SECT. 11 amended. St. 1904, 119.

Chapter 25.—Of Towns and Town Officers.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. Town may appropriate money for observance of "home week." St. 1902, 109. And, not exceeding \$500, for band concerts. St. 1904, 152. For propagation and cultivation of shellfish. St. 1904, 282 § 1. Certain towns may appropriate money for removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. For monuments to soldiers and sailors of the revolution. St. 1903, 116. Towns may regulate and license junk collectors. St. 1902, 187. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14. May establish hours of labor of its fire department. St. 1904, 315. They may provide for care of neglected burial grounds. St. 1902, 389. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499. Bounty to be paid for killing a wild-cat, Canada lynx or loup-cervier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407.

SECT. 14 amended. St. 1902, 544 § 6.

SECT. 15. Par. 4, see St. 1903, 400. Par. 15, see St. 1903, 483.

SECT. 16. Town officers may enter on private land for purpose of exterminating certain insect pests. St. 1902, 57.

SECT. 23. Par. 4, see St. 1902, 205. Par. 5, see St. 1904, 125. Par. 7, see St. 1903, 383 § 3.

SECT. 24. See St. 1903, 475 § 14.

SECT. 26 revised. By-laws to be approved by attorney general and published three times. St. 1904, 344 § 1. (See 1904, 344 § 2.)

SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

SECT. 35. Extended to purchase of water. St. 1902, 361.

SECT. 45 *et seq.* See St. 1904, 317, 443.

SECT. 54. See St. 1902, 449.

SECT. 57. Provision for protection of persons furnishing labor or materials on public works. St. 1904, 349.

SECT. 59 *et seq.* See St. 1904, 364.

SECT. 72 *et seq.* See St. 1904, 458 § 3.

SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.

SECT. 79. Certain trust accounts to be audited. St. 1904, 322.

SECT. 83. See St. 1902, 57.

SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327.

Chapter 26. — Of Cities.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American war. St. 1902, 286. And in the war of the revolution. St. 1903, 116. For care of neglected burial grounds. St. 1902, 389. For propagation and cultivation of shellfish. St. 1904, 282 § 1. May contribute toward expense of state highways. St. 1904, 125. May regulate and license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14. May establish hours of labor of fire department. St. 1904, 315. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. City officers may enter private land to exterminate certain insect pests. St. 1902, 57. Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

SECT. 2. See St. 1904, 349.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312.)

SECT. 28. See St. 1903, 457; 1904, 371.

Chapter 27. — Of Municipal Indebtedness.

SECT. 3. See St. 1902, 325.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 19. See St. 1903, 226.

Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443. (See 1904, 317.)

Office of state forester established and duties prescribed. St. 1904, 409.

As to metropolitan park commission, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429; 1904, 170, 236, 237, 431.

SECT. 1 amended. St. 1902, 544 § 7.

SECT. 2. See St. 1903, 158.

SECT. 25. See St. 1904, 409.

Chapter 29. — Of the Return and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 18 amended. St. 1903, 305 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30. — Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400. Offenders not to be confined or associate with paupers. St. 1904, 274.

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433.)

SECT. 26 *et seq.* See St. 1904, 194, 315, 327.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.)

SECTS. 71, 72. Amount increased. St. 1902, 108.

SECT. 73 revised. St. 1903, 253 § 1.

Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1. Towns not having electric light may contract therefor with street railway companies. St. 1902, 449.

SECT. 10 amended. St. 1903, 255 § 1.

Chapter 35. — Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17. See St. 1903, 177.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 38. — Of Libraries.

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

Chapter 39. — Of the Board of Education.

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4.)

Chapter 40. — Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4. amended. Amount increased. St. 1904, 383 § 1.

Chapter 41. — Of the School Funds.

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of the income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

Chapter 42. — Of the Public Schools.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376.

SECT. 8 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433.

SECT. 14. See St. 1904, 172.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 39. See St. 1904, 107 § 2.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215.

Chapter 44.—Of School Attendance.

SECT. 4 *et seq.* See St. 1903, 483.

Chapter 45.—Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1.

Chapter 46.—Of Truants and Truant Schools.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256.

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3.

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3.

SECT. 13. See St. 1904, 356.

Chapter 47.—Of State Highways.

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244.

SECT. 6 amended. St. 1904, 108 § 1. (See 1904, 117, 317, 443.)

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125:

SECT. 16. See St. 1903, 280 § 2; 1904, 244 § 1.

Chapter 48.—Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443.

SECT. 13-16. See St. 1904, 317.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECT. 68 *et seq.* See St. 1904, 317.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521. (See 1903, 331 § 2.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 97. See St. 1904, 117.

SECT. 107 *et seq.* See St. 1904, 317.

Chapter 49.—Of Sewers, Drains and Sidewalks.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297,

494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 2. See St. 1904, 317.

SECT. 30. See St. 1903, 383 § 1.

Chapter 50. — Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 3. See St. 1904, 317.

SECT. 11 revised. St. 1902, 503.

Chapter 52. — Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3-11. (See 1902, 315.)

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners of fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 48 amended. Penalty changed. St. 1903, 361.

Chapter 57. — Of the Inspection and Sale of Various Articles.

Baking powders after March 31, 1903, to be labelled with names of ingredients. St. 1902, 540.

SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 24 revised. St. 1903, 408 §§ 1-3.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 83. A woman may be appointed a weigher of coal. St. 1902, 159. Or a non-resident. St. 1902, 453 § 1.

SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.

SECTS. 88, 89, 91 amended. St. 1902, 453 §§ 2, 3, 4.

Chapter 58.—Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1.

SECTS. 1, 2, 3, 4, 5, 6, 7 repealed. St. 1902, 228 § 8.

SECT. 14 amended. St. 1903, 464 § 1. (See 1902, 228 § 3.)

Chapter 60.—Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62.—Of Weights and Measures.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECT. 8. Deputy's salary changed. St. 1902, 457.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 21. See St. 1903, 408 § 2.

Chapter 64.—Of Auctioneers.

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 386.

Chapter 65.—Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 17 amended. Boot blacks added, and provision for licenses in Boston. St. 1902, 531.

SECT. 21 revised. St. 1903, 432.

Chapter 66.—Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313. New Bedford, 1901, 243; 1903, 363.

SECT. 19. As to Boston, see St. 1889, 147.

Chapter 67.—Of Pilots and Pilotage.

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

Chapter 72. — Of the Use of Labels, Trade-Marks and Names.

Provision as to labels on baking powders. St. 1902, 540.

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335. (See 1902, 430; 1903, 275.)

Chapter 75. — Of the Preservation of the Public Health.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 4 amended. St. 1903, 480.

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541.)

SECT. 6 amended. Amount increased. St. 1903, 467.

SECT. 8. See St. 1904, 395 § 1.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 19. Baking powders to be labelled. St. 1902, 540 § 1.

SECTS. 25, 26. Innocent employees not to be punished for sales. St. 1903, 367 § 1.

SECT. 34 revised. St. 1902, 403.

SECT. 40. Board may admit patients from another city or town. St. 1902, 206 § 1.

SECTS. 42, 47, 52. See St. 1904, 395 § 1.

SECT. 46 amended. St. 1902, 206 § 2.

SECT. 57 revised. St. 1902, 213. (See 1904, 395 § 2.)

SECT. 79. See St. 1903, 383.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECTS. 103, 104 repealed. St. 1902, 312 § 1. Two new sections, 103, 104, added, relative to marking carcasses and inspection of domestic animals. St. 1903, 220 § 1.

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2.

SECT. 112 *et seq.* See St. 1902, 541.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2; 544 § 10.

Chapter 76. — Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249.

Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 9. See St. 1903, 249 § 9.

SECT. 17 amended. Board may reconsider its action in certain cases. St. 1902, 321.

SECT. 23 added to. St. 1902, 327.

SECTS. 24-28 limited. St. 1903, 219.

SECT. 29 amended. St. 1903, 219.

Chapter 77.—Of the Promotion of Anatomical Science.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

Chapter 78.—Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

Chapter 79.—Of State and Military Aid and Soldiers' Relief.

This chapter is revised. St. 1902, 192; 1903, 420; 1904, 381. (See 1902, 216, 250, 251, 292.) Act to provide for payment of bounties to certain veterans of the civil war. St. 1904, 458.

SECT. 3. See St. 1902, 251; 1903, 387; 1904, 381 § 3.

SECTS. 18, 20, 21. See St. 1902, 250; 1904, 381 §§ 17, 18.

SECT. 20 extended. St. 1902, 292; 1904, 381 § 17.

Chapter 81.—Of the Support of Paupers by Cities and Towns.

SECT. 17. See act relative to care of indigent and neglected children. St. 1904, 356.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 25. See St. 1902, 206, 213.

Chapter 82.—Of the Maintenance of Bastard Children.

SECT. 1 amended. St. 1904, 159.

Chapter 83.—Of the Protection of Infants and the Care of Pauper Children.

Provision for care of indigent and neglected children. St. 1904, 356.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7. (See 1904, 356.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356.)

Chapter 84.—Of the State Board of Charity.

- SECT. 3 *et seq.* See St. 1904, 356 § 3.
SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395.
SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)
SECT. 14 amended. St. 1903, 402 § 1.

Chapter 85.—Of the State Hospital and the State Farm.

- SECT. 10 amended. St. 1903, 233.
SECT. 33 amended. St. 1903, 188.
SECT. 39 amended. St. 1904, 216.

Chapter 86.—Of the Lyman School for Boys, the Industrial School for Girls, and the Reformation of Juvenile Offenders.

- Reform school for Boston. St. 1901, 359.
SECT. 20 amended. St. 1902, 314.
SECT. 31 amended. St. 1904, 459 § 6.
SECT. 36 amended. St. 1904, 363 § 2.

Chapter 87.—Of the State Board of Insanity and Institutions for the Insane.

State board may agree with a city or town for care of chronic and quiet insane persons. St. 1903, 400 § 1.

- SECT. 6. See St. 1903, 400.
SECT. 22. Number of trustees increased. St. 1902, 542.
SECT. 33 amended. St. 1904, 459 § 1.
SECT. 47 amended. St. 1904, 459 § 2.
SECT. 48 amended. St. 1904, 459 § 3.
SECTS. 49, 50. See St. 1903, 321.
SECT. 73 amended. St. 1904, 459 § 4.
SECT. 87. See St. 1903, 400; 1904, 278.
SECT. 102. See St. 1903, 400.
SECT. 109. See St. 1903, 400.
SECT. 118 amended. St. 1904, 459 § 5.

Chapter 89.—Of the State Board of Agriculture and the Dairy Bureau.

One hundred and twenty-five free scholarships are established at the Massachusetts agricultural college. St. 1904, 414 § 1.

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495.

Office of state forester established and duties prescribed. St. 1904, 409.

SECT. 1 amended. St. 1902, 116 § 4.

SECT. 4. See St. 1904, 444 §§ 2, 3.

Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 4 *et seq.* See St. 1903, 220 § 1.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

Chapter 91. — Of Fisheries.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291.)

Fishing regulated in various places: Barnstable County; St. 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Charles river; 1894, 189. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77; 1904, 269. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301. (See 1904, 319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. Haverhill; 1894, 296. Hingham; 1894, 189. Ipswich; 1897, 289. (See 1902, 164.) Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nantucket; 1891, 128; 1904, 232. Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quinsigamond lake; 1896, 259; 1901, 158. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336. Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport; 1887, 193; 1891, 137. Weymouth river; 1894, 189.

SECT. 3 *et seq.* A commissioner or deputy with a warrant may search certain premises for violation of fish or game laws. St. 1904, 367 § 1.

SECT. 7 revised. St. 1902, 164.

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379.

SECT. 19 amended. Ponds may be restocked and time extended. St. 1903, 274.

SECT. 26 revised. St. 1904, 308. (See 1903, 294; 1904, 118.)

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

- SECT. 54. See St. 1904, 319.
 SECT. 63 amended. St. 1902, 137.
 SECT. 63 *et seq.* An act to prohibit for three years sale of all trout except those artificially reared. St. 1903, 205. (See 1902, 544 § 11.)
 SECT. 64 amended. St. 1902, 544 § 11.
 SECT. 67 amended. St. 1904, 329.
 SECT. 68. See St. 1904, 364.
 SECT. 69 repealed. St. 1904, 223.
 SECT. 81 amended. St. 1904, 116 § 1.
 SECT. 83 *et seq.* Propagation and cultivation of shellfish regulated. St. 1904, 282.
 SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6.
 SECT. 86 *et seq.* Provision for protection of lobsters with eggs attached. St. 1904, 408 § 1.
 SECT. 116. See St. 1904, 118.
 SECT. 127 in part repealed. St. 1904, 301 § 2.
 SECT. 133 revised. St. 1903, 246.
 SECT. 134 extended. St. 1904, 282 § 2.

Chapter 92.—Of the Preservation of Certain Birds and Animals.

- Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127. (See 1903, 287.)
 SECT. 1 amended. St. 1904, 176.
 SECT. 2 amended. St. 1903, 206.
 SECTS. 2, 3. Protection in Bristol. St. 1904, 366 § 2.
 SECT. 3 amended. Quail protected in Nantucket. St. 1902, 85. And in Bristol. St. 1902, 165. (See 1893, 49; 1894, 102; 1904, 366 § 3.)
 SECT. 5 amended. Close time extended. St. 1903, 162. Herons and bitterns protected. St. 1903, 244 § 1. (See 1903, 329.)
 SECT. 6 revised. St. 1904, 369.
 SECT. 7 amended. St. 1903, 287.
 SECT. 8 amended. St. 1903, 329 § 1.
 SECT. 9. Protection in Bristol. St. 1904, 366 § 1. (See 1904, 366 § 3.)
 SECT. 17 revised. Time extended. St. 1903, 245.
 SECT. 18 revised. St. 1902, 154.
 SECT. 22 revised. St. 1902, 236.
 SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And to pay damages caused by wild deer. St. 1903, 407.

Chapter 95.—Of Unclaimed or Abandoned Property.

- SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.

Chapter 96.—Of the Board of Harbor and Land Commissioners.

- SECT. 3. See St. 1904, 379.
 SECT. 8. See St. 1902, 224, 425; 1904, 273.
 SECT. 9. See St. 1903, 150 § 1.

Chapter 98.—Of the Observance of the Lord's Day.

SECTs. 1, 2 revised. St. 1904, 460 §§ 1, 2. (See 1904, 176.)

SECT. 3. Sale of ice-cream, soda-water and confectionery permitted in certain cases. St. 1902, 414.

SECT. 5 revised. St. 1904, 460 § 3.

Chapter 99.—Of Gaming.

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Chapter 100.—Of Intoxicating Liquors.

SECT. 1 amended as to sale of cider and wine. St. 1903, 460.

SECT. 10 *et seq.* Provisions for local district option in Boston. St. 1902, 485.

SECT. 20 revised. St. 1902, 171.

SECT. 22. See St. 1902, 327.

SECT. 33 repealed. St. 1903, 461 § 1.

SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.

SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110.

SECT. 86 amended. St. 1904, 122.

SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.

Chapter 101.—Of Common Nuisances.

Nuisances on unoccupied land and private passageways in Boston. St. 1893, 342; 1897, 185.

Chapter 102.—Of Licenses and Municipal Regulations of Police.

Licensing of theatres and public halls regulated. St. 1904, 450.

In certain cities public lodging houses must be licensed. St. 1904, 242. (See 1894, 414.)

Licenses to minors to sell goods, etc., and to black boots in Boston. St. 1902, 531. (See 1897, 265; 1900, 416; 1902, 187.)

Provision for licensing operators of automobiles and motor cycles. St. 1903, 473. And dealers in coal and coke. St. 1903, 484.

SECTs. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3.

SECT. 57 *et seq.* As to licenses in Lowell, see St. 1902, 151, 187 § 5.

SECT. 89 *et seq.* Regulations relative to explosives and inflammable fluids to be made by fire marshal's department. St. 1904, 370.

SECT. 114. See St. 1904, 370.

SECT. 133 in part repealed. St. 1904, 353 § 3.

SECT. 138 revised. St. 1904, 105 § 1.

SECT. 141 repealed. St. 1904, 105 § 2.

SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.

SECT. 151 amended as to appointment of appraisers. St. 1903, 100; 1904, 288.

SECT. 155 amended. St. 1904, 142.

SECT. 172 in part repealed. St. 1904, 450 § 15. Amended. St. 1904, 460 § 4.

SECT. 173 amended. St. 1904, 460 § 5. (See 1904, 450 § 15.)

SECT. 178 *et seq.* Act to prevent unauthorized performance, etc., of certain dramatic and musical compositions. St. 1904, 183.

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4.

Chapter 104.—Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450. (See 1904, 460 §§ 4, 5.)

Building laws for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 448; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 368, 450 §§ 2, 10.

SECTS. 12-15. See St. 1904, 450 §§ 4-10.

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242.

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

SECTS. 41, 42. Provision for protection from flying shuttles. St. 1904, 347.

Chapter 106.—Of the Employment of Labor.

Removals and suspensions of certain employees regulated. St. 1904, 314.

No public service corporation shall appoint or discharge any person at request of any public officer or member of public body. St. 1903, 320.

Cities and towns may establish hours of labor of members of fire department. St. 1904, 315. Provision for security of persons furnishing materials or labor on public buildings. St. 1904, 349. (See 1904, 373.)

SECT. 1. Salaries fixed. St. 1904, 399.

SECT. 2 amended. St. 1902, 446; 1904, 313 § 1.

SECTS. 3-5 amended. St. 1904, 313 §§ 2-4.

SECTS. 10, 11. Corrupt influencing of agents, etc., prohibited. St. 1904, 343 § 1.

SECT. 14 revised. St. 1904, 311.

SECT. 19 *et seq.* See St. 1902, 384, 494; 1904, 334.

SECT. 23 amended. St. 1904, 397.

SECT. 24 amended. St. 1902, 435.

SECT. 31 revised. St. 1904, 432.

SECT. 34. See St. 1904, 356.

SECT. 35 amended. St. 1902, 183.

SECT. 43. An act relative to operation and custody of elevators. St. 1902, 350.

SECTS. 47-55. Pure drinking water must be supplied in manufacturing establishments during working hours. St. 1902, 322. Fans or blowers required in all places where emery or buffing wheels or belts are used. St. 1903, 475.

SECT. 62 amended. Employee who leaves is to be paid on next pay day. St. 1902, 450.

SECT. 71. Provision for protecting operatives in factories from injury by flying shuttles. St. 1904, 347.

Chapter 107.—Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

Provision for taking the decennial census in 1905. St. 1904, 423.

SECTS. 10, 11 repealed. St. 1902, 438 § 7.

Chapter 108.—Of District and Other Police Officers.

The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433. (See 1902, 142; 1903, 365; 1904, 370 §§ 1, 2, 3.)

Board of police for Boston. St. 1885, 323; 1889, 419; 1894, 266; 1897, 320; 1904, 353. (See 1900, 306; 1903, 312, 428 § 3; 1904, 402.)

SECT. 1. Fourteen detectives. St. 1904, 318. Two additional inspectors. St. 1904, 430. (See 1903, 333.)

SECTS. 1, 8. See St. 1903, 333, 365 §§ 2, 4; 1904, 347 § 2.

SECT. 5. Salaries of female members fixed. St. 1904, 382.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5.

SECT. 10 amended. Error corrected. St. 1902, 544 § 12.

SECT. 11. See St. 1903, 333.

SECT. 17 extended. St. 1904, 59.

SECT. 29 amended. St. 1903, 428 § 1.

SECT. 30 revised. St. 1903, 428 § 2.

Chapter 109.—Of Certain Powers, Duties and Liabilities of Corporations.

This chapter is repealed so far as inconsistent with St. 1903, 437, "relative to business corporations." St. 1903, 437 § 95. (See 1902, 370, 441; 1903, 423; 1904, 207, 261, 442.)

Chapter 110.—Of Manufacturing and Other Corporations.

This chapter is repealed so far as inconsistent with St. 1903, 437, "relative to business corporations." St. 1903, 437 § 95. (See 1902, 441; 1904, 207, 261, 442.)

Chapter 111.—Of Railroad Corporations and Railroads.

SECT. 4. See St. 1903, 320.

SECT. 8 amended. St. 1902, 432 § 1.

SECT. 9. Salaries of inspectors changed. St. 1902, 402. Expense allowance increased. St. 1904, 96.

SECT. 10 revised. St. 1904, 429. (See 1902, 432 § 2.)

SECT. 11 *et seq.* Powers of commissioners enlarged. St. 1902, 432 § 1, 449 § 3; 1903, 173 § 1, 202 § 1; 1904, 265 § 1. (See 1902, 440 §§ 6, 7, 483 § 2.)

SECTS. 15, 16 amended. Street railways included and "waiting rooms" added. St. 1904, 357 §§ 1, 2.

SECT. 39. See St. 1903, 476 § 1.

SECT. 59 repealed, so far as relates to transfer of stock. St. 1903, 423 § 2.

SECTS. 63-70, 74. See St. 1902, 370.

SECT. 84 repealed. St. 1903, 126 § 1.

SECTS. 88, 91, 98-116, 118-120, 123, 124-129, 190-195. See St. 1903, 476 § 2.

SECTS. 134, 136, 137 amended. Street railway companies added. St. 1902, 533.

SECT. 149 amended. St. 1902, 370.

SECTS. 149-160. See St. 1902, 440 § 5, 507; 1903, 476 § 3.

SECTS. 150, 151. Cost of service, publication, entry of petition, costs of hearing, and of plans, may be taxed and apportioned. St. 1902, 298.

SECTS. 151, 152, 155 amended. St. 1902, 440 §§ 2, 3, 4.

SECT. 153 amended. Time for filing petition extended. St. 1903, 478 § 1.

SECT. 158. See St. 1902, 507.

SECT. 159 revised. St. 1902, 440 § 6.

SECTS. 170-176. As to bridges in Boston, see St. 1889, 246; 1890, 118; 1893, 357; 1902, 224; 1904, 412.

SECT. 237 amended. Error corrected. St. 1902, 544 § 13.

SECT. 250 extended. St. 1904, 59.

SECT. 263 amended. Street railways added. St. 1903, 297.

SECT. 284 amended. Provision for acquiring railroad property in foreign countries. St. 1904, 169 § 1.

SECT. 285 amended. St. 1904, 169 § 2.

Chapter 112.—Of Street Railway Corporations.

Provision for elevated railway and subways in Boston. St. 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1902, 114, 534; 1904, 167. (See 1887, 413 § 4; 1890, 368, 454 § 12.)

Provision for authority to take land to avoid dangerous curves, or grades, or for other similar purposes. St. 1903, 476.

SECT. 1. See St. 1903, 202, 297, 320; 1904, 441.

SECTS. 7-11. Locations, extensions and alterations must be approved by board of railroad commissioners and the thirty days for acceptance by the company run from date of issue of notice by the commissioners. St.

1902, 399. Grants of location void if company fails to organize. St. 1902, 396. If location is revoked or void sections 7 and 11 apply to new petitions. St. 1902, 395.

SECTS. 9, 29. See St. 1903, 476 § 4.

SECT. 18 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

SECTS. 20, 21, 23 repealed and new provisions made as to issue of stock and bonds. St. 1902, 370. (See 1902, 440 § 7, 441, 449 § 5; 1903, 437 §§ 14-16.)

SECTS. 30-32. As to locations and alterations, see St. 1902, 395, 399.

SECT. 40 amended. St. 1903, 143.

SECT. 44. Street railway companies required to pay part of cost of building and repairing bridges on highways over which they have a location. St. 1902, 533.

SECT. 45 amended. St. 1904, 110 § 1.

SECT. 52 amended. Brakes and emergency tools may be required. St. 1903, 134 § 1.

SECT. 55 amended. St. 1902, 288. Provision for carriage of baggage or freight. St. 1903, 202 § 1; 1904, 441.

SECT. 62 *et seq.* See St. 1902, 440.

SECT. 69 *et seq.* An act relative to transfer tickets. St. 1904, 267.

SECT. 76 amended. Last sentence stricken out. St. 1902, 370 § 2.

SECTS. 93-98. Companies must report fatal accidents. St. 1903, 297.

SECT. 95 repealed. St. 1903, 328 § 1.

SECTS. 101-105 added, relative to liens for labor and materials furnished in construction. St. 1904, 373.

Chapter 113. — Of Savings Banks and Institutions for Savings.

SECT. 2 amended. Additional clerk authorized. St. 1902, 490.

SECT. 3 *et seq.* Powers of commissioners extended. St. 1902, 355 § 2, 463, 483 §§ 1, 3; 1904, 374 § 5, 392 §§ 3-7, 427.

SECTS. 14, 15. No president, vice-president or treasurer shall hold similar office in a bank or trust company. St. 1902, 169 § 4.

SECT. 16 amended. Names of corporators to be published. St. 1902, 169 § 1.

SECT. 21 *et seq.* Offices not to be same as or connected with offices of a bank or trust company. St. 1902, 169 § 3.

SECT. 26. Additional securities. St. 1902, 483 § 1. Cl. 2 *d* amended. St. 1904, 208 § 1. Cl. 4 *e* extended. St. 1904, 210 § 1. Cl. 4 *g*. See St. 1902, 483 § 1.

SECT. 47. Names of corporators to be reported. St. 1902, 169 § 2.

SECT. 56 extended. St. 1904, 200.

Chapter 114. — Of Co-operative Banks.

Consolidation of two or more banks authorized and regulated. St. 1904, 392.

SECT. 4 amended. St. 1903, 147 § 1.

SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.

SECT. 14. Loans limited. St. 1904, 292 § 1.

SECT. 24 revised. St. 1903, 203 § 1.

SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2.

Chapter 115.—Of Banks and Banking.

Officers and offices must not be same as or connected with those of a savings bank. St. 1902, 169 § 3.

SECT. 56 *et seq.* See St. 1904, 263.

Chapter 116.—Of Trust Companies.

An act relative to the incorporation and to the reserve funds of trust companies. St. 1904, 374.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 § 3. An act relative to maintenance of branch offices. St. 1902, 355.

SECTS. 2-6. See St. 1904, 374 §§ 1-5.

SECT. 28. See St. 1904, 374 §§ 6, 7.

Chapter 117.—Of Mortgage Loan and Investment Companies.

See an act to regulate bond and investment companies. St. 1904, 427.

Chapter 118.—Of Insurance.

SECT. 6. Disposition of certain old papers allowed. St. 1904, 247 § 1.

SECT. 7 amended. St. 1903, 421.

SECT. 11. Cl. 4 amended. St. 1903, 223 § 1.

SECT. 15 amended. St. 1902, 106.

SECT. 29. Companies may do business under clauses 3 and 11. St. 1902, 340 §§ 1, 3. (See 1904, 427 § 7.)

SECT. 39 amended. Further restrictions. St. 1904, 300 § 1.

SECT. 43 amended. St. 1903, 174 § 1.

SECT. 45. See St. 1904, 300 § 1.

SECT. 60. Cl. 7. Word "noon" defined. St. 1904, 240 § 1.

SECT. 61. Authority to transact new business restricted. St. 1904, 304.

SECT. 77. See St. 1902, 340 § 2.

Chapter 119.—Of Fraternal Beneficiary Corporations.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 6. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155. (See 1904, 427 § 7.)

SECT. 12 amended. St. 1903, 332 § 1.

Provision for partial payment on death of wife. St. 1904, 271.

SECT. 14. See St. 1903, 166.

SECT. 17. See St. 1903, 332 § 1.

Chapter 120. — Of Assessment Insurance.

SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155.

SECT. 6. See St. 1904, 155 § 3, 427 § 7.

SECT. 13 amended. St. 1903, 227.

Chapter 121. — Of Gas and Electric Light Companies.

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228. (See 1903, 464.)

SECT. 4 superseded. St. 1904, 435.

SECT. 21. See St. 1903, 320.

SECT. 31 amended. St. 1903, 406 § 1.

SECT. 33 amended. St. 1903, 164.

SECT. 34. See St. 1903, 464.

Chapter 122. — Of Companies for the Transmission of Electricity.

SECT. 1. See St. 1903, 320.

SECT. 2 revised. St. 1903, 237.

Chapter 123. — Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 125. — Of Corporations for Charitable and Other Purposes.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524.

SECT. 13. See St. 1902, 430; 1903, 275.

SECT. 20. Trustees shall make annual reports. St. 1904, 248.

Chapter 126. — Of Foreign Corporations.

This chapter, except section 8, is repealed so far as inconsistent with new "business corporations act." St. 1903, 437 §§ 56-70, 95. (See 1904, 261, 442.)

Chapter 127. — Of the Alienation of Land.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

Chapter 128. — Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court" and jurisdiction enlarged and proceedings regulated. St. 1904, 448.

- SECT. 12 in part repealed. Associate's salary fixed. St. 1904, 386.
SECT. 13, relative to appeals, amended. St. 1902, 458; 1904, 448 § 3.
SECTS. 13-17. See St. 1904, 448 § 3.
SECT. 29. See St. 1904, 448 § 6.
SECT. 40. See St. 1904, 448 § 4.
SECT. 89. See St. 1904, 317, 443.

Chapter 129. — Of Estates for Years and at Will.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421.

Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife and the Rights of a Wife in that of Her Deceased Husband.

SECT. 1. St. 1894, 170 is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

Chapter 134. — General Provisions relative to Real Property.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473; 1904, 421.

Chapter 135. — Of Wills.

SECT. 12 amended. St. 1902, 160.

Chapter 138. — Of Public Administrators.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2.

Chapter 141. — Of the Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended. St. 1904, 165.

Chapter 143. — Of the Settlement of the Estates of Deceased Non-residents.

SECT. 2 amended by act to facilitate settlements. St. 1904, 360.

Chapter 144. — Of the Settlement of Estates of Absentees.

SECT. 1 revised. St. 1903, 241 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

Chapter 145.—Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324.)

SECT. 40 amended. Husband or wife to be notified of proceeding in case of a married person. St. 1903, 96 § 1.

Chapter 146.—Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 18 amended. St. 1904, 217.

Chapter 148.—Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

Chapter 150.—Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Chapter 151.—Of Marriage.

SECT. 11. Court having jurisdiction may issue writ of *habeas corpus* in cases of children whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 14 revised. St. 1902, 310.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152.—Of Divorce.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

Chapter 153.—Of Certain Rights and Liabilities of Husband and Wife.

SECTS. 15, 16. See St. 1902, 478.

SECT. 33. See St. 1902, 324.

Chapter 154.—Of the Adoption of Children and Change of Names.

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

Chapter 156.—Of the Supreme Judicial Court.

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

Chapter 157.—Of the Superior Court.

SECT. 1. Number of associate justices increased to twenty-two. St. 1903, 472 § 2. (See 1902, 383.)

SECTS. 2, 3. See St. 1903, 383 § 4.

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, and to discharge mortgages transferred to the land court. St. 1904, 448 § 1. Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Hampden, 1904, 144. Middlesex, 1903, 97 § 1. Suffolk, 1902, 456 § 1; 1903, 472 § 1. Plymouth, 1903, 54 §§ 3-5.

Chapter 159.—Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECTS. 1, 2. See St. 1903, 383 § 4.

SECT. 3. Cl. 7 amended. Error corrected. St. 1902, 544 § 23.

Chapter 160.—Of Police, District and Municipal Courts.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264.

SECT. 2. New courts established: Fourth Bristol, St. 1903, 214. Eastern Hampshire, 1903, 412. Winchendon, 1904, 372 § 1. Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Newburyport, St. 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3.

SECT. 39 *et seq.* Sessions: Western Worcester, St. 1902, 416 § 4. Winchendon, 1904, 372 §§ 3, 4. See 1904, 218.

SECT. 48. See St. 1904, 453 § 5.

SECT. 64. Officers attending criminal sessions to wear uniforms. St. 1902, 368.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2.) Franklin and eastern Hampshire, St. 1904, 453 § 2. Winchendon, 1904, 372 § 2. Municipal court of Boston, 1904, 454 § 1. Allowance for clerical assistance: Barnstable, St. 1904, 331. Chelsea, 1904, 258. East Boston, 1903, 179.

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- 450 § 2. See 1904, 460 § 4. R. L. 102.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, August 22, 1904. .

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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